

UNITED STATES DISTRICT COURT FOR THE DISTRICT OF MARYLAND



ELECTRONIC CASE FILING POLICIES AND PROCEDURES MANUAL (CM/ECF version 6.1)

April 2019

Updates are available online at
www.mdd.uscourts.gov/electronic-case-filing-information

TABLE OF CONTENTS

I.	INTRODUCTION	1
II.	USE OF ELECTRONIC FILING SYSTEM	1
A.	Registration	1
1.	General Requirements	1
2.	Registration Process	1
3.	Checking Your Login and Password	2
B.	Maintain Your Email Account	2
C.	Password Maintenance	2
1.	Changing Your Password.....	2
2.	I Forgot My Password	3
D.	Updating Attorney Contact Information	3
1.	Your CM/ECF Account.....	3
2.	My Name Has Changed. What Should I Do?	4
3.	How Do I Update or Change My Email Information in CM/ECF?	4
4.	How Do I Add a Secondary Email Address?	5
5.	How Do I Delete a Secondary Email Address?	5
6.	How Do I Update My Contact Information?	6
E.	Consent to Electronic Service	7
F.	PACER and CM/ECF Accounts	8
1.	Public Access to Court Electronic Records (PACER)	8
2.	CM/ECF Accounts and PACER Accounts are Different	8
III.	ELECTRONIC FILING AND SERVICE OF DOCUMENTS	10
A.	Electronic Filing Process	10
1.	Document Requirements and Formatting	10
2.	Convert a Document to PDF	14
3.	Document Margins	16
4.	Lengthy Documents	16
5.	Scanned Documents	17

B.	Standard Electronic Filing Procedure	17
1.	Log On to CM/ECF	17
2.	Select the Filing Event(s)	18
3.	Enter the Case Number	19
4.	Party Information Screen	19
5.	Should Documents Be Sealed?	20
6.	Add Documents.....	23
7.	Link to Other Documents.....	25
8.	Docket Text.....	25
9.	Final Docket Text	26
10.	Notice of Electronic Filing (NEF)	26
C.	General Procedures	27
1.	Authenticated Documents	27
2.	Courtesy Copies.....	28
3.	Documents Filed in Error.....	28
4.	Pay.gov Instructions.....	29
5.	Privacy Requirements	32
6.	Query Menu	32
7.	Reports Menu.....	34
8.	Signature Format	36
9.	Utilities Menu.....	42
IV.	ELECTRONIC CASE FILING CIVIL PROCEDURES	44
A.	Electronic Filing in Civil Cases	44
1.	Civil Cases Subject to Electronic Filing	44
2.	Documents Subject to Electronic Filing.....	46
3.	Requesting an Exemption from Electronic Filing.....	46
B.	Case Opening Procedures	46
1.	Local Rule 501	47
2.	Opening a Civil Case Electronically	49
3.	Docketing the Lead Event	56

C.	Amended Documents.....	61
1.	Original of Proposed Amendment to Accompany Motion.....	61
2.	Exhibits to Amended Documents	61
3.	Identification of Amendments.....	61
4.	Requested Consent of Other Counsel	61
D.	Answers	62
1.	Log in, Select Event, Select Case	62
2.	Select the Filer	62
3.	Seal the Documents?	63
4.	Select the Complaint and Attach your Answer	63
5.	Counterclaim, Cross-Claim, or Third-Party Complaint?	63
6.	Jury Demand.....	64
7.	Disclosure Statement Filed?	65
8.	Docket Text.....	65
9.	Final Docket Text	65
10.	Notice of Electronic Filing (NEF)	65
11.	New Party Summons Needed.....	66
E.	Appeals	66
1.	Filing	66
2.	Fees	66
3.	Briefs.....	67
F.	Bankruptcy Cases	67
1.	Appeals, Motions for Leave to Appeal, and Motions for Withdrawal of Reference.....	67
2.	Designation of Record.....	67
3.	Filings After the Case is Transmitted to District Court.....	67
G.	Bills of Costs	68
1.	Bill of Costs	68
2.	Response in Opposition to Bill of Costs	68
3.	Reply to Response in Opposition to Bill of Costs	68

4.	Motion to Review the Clerk's Order Taxing Costs.....	68
H.	Certificate of Service	69
1.	As a Part of the Document	69
2.	As a Separate Document	70
I.	Correspondence.....	70
J.	Cross-Claims, Counterclaims, and Third-Party Complaints	70
K.	Disclosure of Corporate Interest.....	70
L.	Discovery	72
1.	Motion for Leave to Take Deposition.....	72
2.	Motion to Compel Discovery	72
3.	Motion to Compel Discovery	73
M.	Entering an Appearance	74
N.	Ex Parte Matters	75
1.	Option 1.....	75
2.	Option 2.....	75
O.	Memoranda	76
P.	Motions.....	76
Q.	Patent Cases.....	77
R.	Pro Hac Vice Motion	77
S.	Proposed Orders.....	78
T.	Redacted Documents.....	78
U.	Removals	79
V.	Responses and Replies	79
1.	Response to a Motion	79
2.	Reply to a Response to a Motion	80
3.	Surreply.....	80
W.	Return of Service	80
X.	Sealed Civil Documents	82
1.	Prepare Sealed Document(s).....	82
2.	All Documents Should be Sealed.....	83

3.	Main Document Should be Unsealed; One or More Attachments Should be Sealed	83
4.	Procedures Applicable to All Sealed Documents	85
Y.	Surreply	85
Z.	Transcripts	85
V.	ELECTRONIC CASE FILING CRIMINAL PROCEDURES.....	86
A.	Electronic Filing of Criminal Cases.....	86
1.	Criminal Cases Subject to Electronic Filing.....	86
2.	Documents Subject to Electronic Filing.....	86
3.	Requesting an Exemption from Electronic Filing.....	86
4.	Sealed Cases.....	87
B.	Appeals	87
1.	Filing the Notice of Appeal	87
2.	Filing Appellate Briefs	90
C.	CJA Appointment Filings.....	90
1.	CJA 20/21 Forms	90
2.	CJA 30/31 Forms	90
3.	Budget Materials	91
4.	Order Authorizing Interim Payment to Counsel, Experts, and Service Providers.....	91
5.	CJA 23	91
6.	CJA 24	91
D.	Charging Documents	92
E.	Discovery	93
F.	Entering an Appearance	94
1.	Select Event.....	94
2.	Add PDF Documents	94
3.	Designation Status.....	94
G.	Ex Parte Matters	95
1.	Ex Parte Filing Options	95

2.	Filing Procedures	95
H.	Responses and Replies	97
1.	Response to a Motion	97
2.	Reply to a Response to a Motion	97
I.	Rule 17 Subpoenas.....	98
J.	Sealed Criminal Document Procedures	98
1.	Release of Sealed Information	98
2.	Unsealed Indictments.....	99
3.	In-Court Proceedings	99
K.	Sealed Criminal Documents.....	99
1.	File the Motion to Seal	100
2.	File the Proposed Sealed Document(s)	101
L.	Sentencing Memorandum	101
M.	Traffic and Petty Offense Cases (CVB).....	102
1.	Locate the Case Number	102
2.	Entering an Appearance	103
N.	Criminal Electronic Filing Frequently Asked Questions	104
1.	What documents are to be electronically filed?	104
2.	Are plea agreements to be electronically filed?.....	104
3.	Are there certain types of electronically filed documents that will be sealed? 104	
4.	Can docket entries pertaining to court proceedings be sealed if there is good cause to prevent them from appearing on the public record?	105
5.	Will access to certain electronically filed documents be restricted even if the documents are not sealed?	105
6.	Do I still have to serve paper copies?	106
VI.	TROUBLESHOOTING AND TECHNICAL ISSUES.....	107
VII.	APPENDIX A: CIVIL EVENTS LIST	109
VIII.	APPENDIX B: CRIMINAL EVENTS LIST	118

I. INTRODUCTION

The United States District Court for the District of Maryland uses the CM/ECF case management system for accepting most court documents for filing, for entering orders from the court, and for otherwise managing the court's case docket. Civil cases, except for those filed by self-represented parties, first started on CM/ECF on March 3, 2003; criminal cases started on CM/ECF on August 8, 2008.

These electronic case filing policies and procedures are issued pursuant to Local Rules 102 and 202 and apply to all cases subject to electronic filing.

II. USE OF ELECTRONIC FILING SYSTEM

A. Registration

1. General Requirements

There is no charge for registering to use the electronic filing system. However, only a member in good standing of the bar of this Court or entitled by statute or Local Rule to practice without being a member of our bar may be issued electronic filing credentials. Since January 2012, all active members of the bar must register for CM/ECF. Since April 2015, all newly admitted members of our bar are automatically issued local CM/ECF credentials at the time of admission. Additional information about bar membership is available on our website at <http://www.mdd.uscourts.gov/attorney-information/>.

CM/ECF credentials will not be issued to paralegals, secretaries, or other paraprofessionals.

2. Registration Process

All active attorneys in good standing without local CM/ECF credentials may register for electronic filing on our website at <http://www.mdd.uscourts.gov/electronic-case-filing-registration>. As part of the registration process, attorneys consent to electronic service under the Federal Rules.

An attorney may register his or her bar number only once. If the information has been misplaced, the attorney will need to contact the Clerk's Office at 410-962-2600, to have the information reissued.

Attorneys for the federal government and attorneys representing criminal defendants may enter special appearances and receive temporary access to CM/ECF. Additional information is available on our website at <http://www.mdd.uscourts.gov/special-appearances>. Attorneys admitted pro hac vice may also receive temporary access to CM/ECF, and additional information is available on our website at <http://www.mdd.uscourts.gov/pro-hac-vice-admission>.

3. Checking Your Login and Password

When you receive your login and password, you should log in to the system to ensure they work. The login and password fields are case sensitive so you must type them exactly as they appear in the email. If you are unable to log in to the system, you should contact this Court's I.T. Help Desk by calling 410-962-4058.

B. Maintain Your Email Account

Under Local Rule 701.2, all members for the bar are required to maintain a current mailing address and email address with the Clerk's Office. Additionally, attorneys appearing in any case are also required to maintain a current mailing address and email address with the Clerk's Office. See Local Rule 102.1.b.ii. Attorneys can update and maintain their own contact information in CM/ECF. See [Updating Attorney Contact Information](#).

C. Password Maintenance

1. 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 main menu bar, then click **Maintain Your Login/Password**.

- b) Remove the asterisks from the password field, and enter your new password. Passwords must be at least eight characters long and include both uppercase and lowercase alphabetic characters and at least one digit or special character (for example, 0-9, @, #, \$, %, &, *, +).
- c) Click **Submit**.
- d) Click **Logout**. You may now log back in using your new password. Please record your new password and keep it in a safe place.

2. I Forgot My Password

If you forget your password, do **not** submit another registration form. Instead, go to our website at <http://www.mdd.uscourts.gov/electronic-case-filing-password-reset> and follow the instructions.

An email will then be sent to the address on file with the Clerk's Office. Click the link in the email and you will be able to select a new password.

D. Updating Attorney Contact Information

Your contact information (mailing address, phone number, fax number, and email address) must be kept up to date at all times. See Local Rule 102.1.b.

1. Your CM/ECF Account

You can make the following changes to your CM/ECF account:

- change your email address
- add, delete, or change secondary email addresses (your assistant or paralegal, for example)
- change your mailing address, phone number, or fax number
- indicate whether your email address receives Notices of Electronic Filing (NEFs)

- choose whether to receive a notification of everything 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 email address should receive general announcement notices from the Clerk's Office
- indicate whether to display all your cases

2. My Name Has Changed. What Should I Do?

If your name has changed, do not change your name using this system. You must send a request for name change to the Clerk's Office. Additional information is available on our website at <http://www.mdd.uscourts.gov/name-change>.

3. How Do I Update or Change My Email Information in CM/ECF?

- a) Click **Utilities** on the main menu bar.
- b) Under **Your Account**, click the link **Maintain Your Account**.
- c) A new screen will be displayed showing your name, address, phone number, and other information.
- d) At the bottom of the screen, click the **Email information** button.
- e) When you click an email address, the configuration options will be displayed on the right.
- f) Make the desired changes.
- g) Click the button, **Return to Person Information Screen**.
- h) Click **Submit**, then **Submit** again. A confirmation screen will be displayed.

4. How Do I Add a Secondary Email Address?

To add a secondary email address:

- a) Click **Utilities** on the main menu bar.
- b) Under **Your Account**, click the link **Maintain Your Account**.
- c) A new screen will be displayed showing your name, address, phone number, and other information.
- d) At the bottom of the screen, click the **Email information** button.
- e) When you click an email address, the configuration options will be displayed on the right. From the **Email Information** screen, click the link **add new email address**.
- f) Type the new address in the white text box directly under **Configuration** options.
- g) As you type the address, the configuration options will be displayed. Update the options as needed.
- h) Click the button, **Return to Person Information** Screen.
- i) Click **Submit**, then **Submit** again. A confirmation screen will be displayed.

5. How Do I Delete a Secondary Email Address?

To delete a secondary email address:

- a) Click **Utilities** on the main menu bar.
- b) Under **Your Account**, click the link **Maintain Your Account**.
- c) A new screen will be displayed showing your name, address, phone number, and other information.
- d) At the bottom of the screen, click the **Email information** button.
- e) When you click an email address, the configuration options will be displayed on the right. From the **Email Information** screen, click the

email address you want to remove. The email address and the configuration options will be displayed to the right.

- f) Using the **Delete** or **Backspace** key on your keyboard, remove the email address.
- g) Click the button, **Return to Person Information Screen**.
- h) If you have more than one secondary email address, a pop-up box will ask if you wish to delete this email address. Click **OK**. Click **Return to Person Information Screen**.
- i) Click **Submit**, then **Submit** again. A confirmation screen will be displayed.

6. How Do I Update My Contact Information?

To update your mailing address, phone number, or fax number, follow the instructions below:

- a) Click **Utilities** on the main menu bar.
- b) Under **Your Account**, click the link **Maintain Your Account**.
- c) A new screen will be displayed showing your name, address, phone number, and other information.
- d) Enter your address as follows:
- e) Use only letters and numbers.
- f) Use standard postal codes.
- g) Abbreviate street suffixes.
- h) Spell out numbers less than 10.
- i) Do not enter or change any information in the remaining fields.
- j) Below is an example of contact information and how it should be entered:

Office: John M Doe PA
Address 1: The Garrison Bldg
Address 2: 200 E Judicial Ave Ste 123
City: Baltimore State: MD Zip: 21202-0001
Country: USA County:
Phone: 4105559999 Fax: 4105552345

- k) When you have finished updating your contact information, click **Submit** to save your changes.
- l) The system then prompts you to select the cases to be updated. Click **Update All**, then **Submit**, so that all cases to which you are linked will be updated.
- m) A confirmation screen will be displayed.

E. Consent to Electronic Service

Registration as an electronic filing user in this Court constitutes consent to receive and make electronic service under Fed. R. Civ. P. 5 and Fed. R. Crim. P. 49 of all documents governed by these Electronic Case Filing Procedures. This agreement is applicable to all cases, present and future, where the registered user is counsel of record.

Moreover, counsel is responsible for both regularly checking the email address connected with the registered account and for keeping a working email address connected with the account. The Clerk's Office is not responsible for filings not received due to an incorrect or inoperative email account, and the Clerk's Office does not monitor whether a properly sent email from CM/ECF is rejected by the receiver's server ("bounce backs"). See Notice Regarding Email Bounce Back Monitoring at <http://www.mdd.uscourts.gov/news/notice-regarding-email-bounce-back-monitoring-2012-01-27t000000>.

F. PACER and CM/ECF Accounts

1. Public Access to Court Electronic Records (PACER)

PACER is a fee for use service offered by the Administrative Office of the United States Courts. It offers electronic access to records of most federal district, appellate, and bankruptcy courts. The types of records available electronically will vary from court to court. In almost all jurisdictions docket sheets may be accessed. Most documents electronically filed in civil cases may be viewed over the Internet by using PACER.

When you access docket sheets or other documents over the Internet using PACER, there is a fee of \$.10 per page. This fee applies regardless of whether you simply view the document or download and save it. There is a maximum charge of \$3.00 per document.

When a PACER user accesses a document for the first time via the Notice of Electronic Filing (NEF), the user will not incur fees for accessing the newly filed document, but access to any hyperlinked document from within the original document will incur a fee. When a PACER user accesses a document after the first look, or accesses it from a docket sheet, the user will be charged for the original document and any documents displayed when using a hyperlink. If documents filed in the same transaction contain hyperlinks to each other, the free look will be available from the document number hyperlink displayed on the NEF document submenu, not from the hyperlinks in the documents themselves.

If a PACER user does not have his/her PACER login already linked to the user's ECF login, the user will be prompted for the PACER login for the first document the user tries to view. For information on how to register for a PACER account go to www.pacer.gov.

2. CM/ECF Accounts and PACER Accounts are Different

A CM/ECF account allows you to file documents electronically and provides you with email 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 email 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 this 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.

III. ELECTRONIC FILING AND SERVICE OF DOCUMENTS

A. Electronic Filing Process

1. Document Requirements and Formatting

a. 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 Summary Judgment 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 under [Docket Sheet](#) § III.C.7.c.

The following instructions explain how to create document hyperlinks:

b. Create Hyperlinks to Existing CM/ECF Documents

These instructions explain how to create hyperlinks to existing CM/ECF documents.

1) Open CM/ECF Document

- a) Access CM/ECF and run the docket report for the case that contains the document you want to link.
- b) 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 the URL of the Document to Clipboard

- a) Place your mouse pointer on the URL (address).
- b) Click the right mouse button.
- c) Select **Copy** or **Copy Shortcut** (Internet Explorer) or **Copy Link Location** (Firefox) from the selection list.

3) Add the Hyperlink to a Word Document

- a) Open the Word document you want to add the hyperlink to and highlight the citation text for which you wish to create the hyperlink.
- b) Click **Insert** on the menu bar and then select **Hyperlink**.
- c) When the **Insert Hyperlink** window opens, paste the URL into the **Address** field (by clicking the right mouse button and selecting **Paste**, or by using the Ctrl + V command).
- d) 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>

- e) Click the **OK** button and the dialog box will close. The hyperlink text now is underlined indicating a hyperlink has been created.
- f) Save the document and convert to PDF and file in CM/ECF as usual.

4) Add the Hyperlink to a WordPerfect Document

- a) Open the WordPerfect document you want to add the hyperlink to and highlight the citation text for which you wish to create the hyperlink.
- b) Click **Tools** on the menu bar and select **Hyperlink** from the drop-down selection list.
- c) When the **Hyperlink Properties** window opens, paste the URL into the **Document/Macro** field (by clicking the right mouse button and selecting Paste or by using the Ctrl + V command).
- d) 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>.
- e) Click the **OK** button and the dialog box will close. The hyperlink text now is underlined indicating a hyperlink has been created.
- f) Save the document and convert to PDF and file in CM/ECF as usual.

c. Creating Hyperlinks Between Documents Filed in the Same Event

Even when those documents were not filed previously in CM/ECF, it is possible to link two or more documents to be filed in the same event by creating a hyperlink from the main document to an attachment.

1) Using WordPerfect to Create Hyperlinks Between Documents Filed in the Same Event

- a) Create the secondary WordPerfect document(s) (the attachment) to which the main document will be linked and convert it to PDF.
- b) Create/open the main document (the document that will have the hyperlink to the secondary document).
- c) 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.
- d) Click the **Folder** icon next to the **Document/Macro** field.
- e) 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.
- f) Click **OK** in the **Hyperlink Properties** window. The hyperlink text will be underlined.
- g) Save the document and convert to PDF (skip to part 3 below).

2) Using Microsoft Word to Create Hyperlinks Between Documents Filed in the Same Event

- a) Create the secondary Word document(s) (the attachment) to which the main document will be linked and convert it to PDF.
- b) Create/open the main document (the document that will have the hyperlink to the secondary document).

- c) Select the text in the main document that will be displayed as the hyperlink. Click **Insert** on the menu bar and select **Hyperlink**.
- d) 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 already be in PDF format.)
- e) The name of the selected file displays in the **Address** field.
- f) Click the **OK** button and the dialog box will close. The hyperlink text will be underlined.
- g) Save the document and convert to PDF (skip to part 2 below).

3) Add PDF Document to Docket Entry

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

2. Convert a Document to PDF

Before filing in CM/ECF, convert the document(s) to PDF format. The system will neither accept documents in WordPerfect nor Word format, and the system will not automatically convert such documents to PDF.

a. Converting a Word Document

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

1) Word 2016/Word 365

To convert to PDF format within Word:

- a) Click on **File** in the toolbar and select **Save As**.

- b) Navigate to where you would like to save the document.
- c) From the upper right portion of the screen, enter the name of the file.
- d) Using the drop-down list under the file name, select **PDF (*.pdf)**.
- e) Click the **Save** button to the right.

2) Word 2007 through Word 2013

To convert to PDF format within Word:

- a) Click the **Office button** (the round button in upper, left corner of screen).
- b) Select **Save As**.
- c) Select **Adobe PDF**.
- d) The **Save Adobe PDF File As** window opens. Type the name of the file and click **Save**.

3) Versions Prior to 2007

To convert the Word document to PDF format, the Adobe Acrobat application must be used.

- a) Save and close the Word file.
- b) Open **Adobe Acrobat** application.
- c) Click on **File** in the toolbar and select **Create PDF** and then **From File...**
- d) A navigation window opens. Navigate, if necessary, to the directory/folder where the Word document is stored.
- e) Select the document and click the **Open** button.
- f) A series of windows open as the document is converted. When the conversion is completed, the document is

displayed in an Adobe Acrobat window. (Internal hyperlinks are typically automatically converted to hyperlinks.)

- g) Close the Adobe file. Respond **Yes** to the save changes message and save the PDF document in the appropriate directory/file.

b. 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.

3. Document Margins

To ensure all information is legible, please allow a one-inch top margin of white space on all documents, including letterhead. See Local Rule 102.2.b.

4. Lengthy Documents

Excessively large documents, especially those that are scanned, may exceed the system's per document capacity (30 megabytes). If you have a very large document (usually well over 100 pages in length*), create and file a Notice of Filing of Lengthy Document, Notice of Filing of Lengthy Exhibit, or a substantially similar form. This notice serves as a placeholder for the document that cannot be electronically filed. Within 24 hours (not counting intervening weekends and legal holidays) you must file and 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 the original of any document that cannot be electronically filed in the system. This version will be used as the official court record. The copy for the Clerk's Office is in addition to any courtesy copy which you are required to provide to chambers.

*The 100 page limit is flexible. Depending on the contents of the document, type of scanner and software used, you may be able to electronically file longer documents. Many documents longer than 100 pages will be accepted by the system. If your document exceeds 30 megabytes, the system will display an error message.

5. Scanned Documents

Each document should be a separate PDF. Exhibits should be filed as attachments to the document to which they relate. See [Standard Electronic Filing Procedure](#) § III.B. A document which exists only in paper format should be scanned unless it is excessively large. See [Lengthy Documents](#) § III.A.4.

If you are filing a transcript as an exhibit and have an ASCII version, you can convert it to PDF through your word processing program. See [Convert a Document to PDF](#) § III.A.2.

B. Standard Electronic Filing Procedure

The following procedures outline the standard process for filing a document in CM/ECF. Additional instructions and procedures concerning specific document types are available in the Electronic Case Filing Civil Procedures and the Electronic Case Filing Criminal Procedures.

1. Log On to CM/ECF

- a) Go to <http://ecf.mdd.uscourts.gov> (or click E-Filing (CM/ECF) from the main page of the Court's website <http://www.mdd.uscourts.gov>).
- b) Click District of Maryland - Document Filing System.
- c) Enter your District of Maryland CM/ECF credentials. The login and password fields are case sensitive.

- d) The client code field may be displayed and is optional. It serves no purpose if you are logging in with your court issued login and password. 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 you may track usage on behalf of particular clients.
- e) Click the redaction checkbox to indicate you have read and will comply with the redaction rules.

2. Select the Filing Event(s)

- a) If you are filing in a civil case, click **Civil** on the top menu bar. If you are filing in a criminal case, click **Criminal** on the top menu bar.
- b) From the list of events, click the type of document you are filing.

The system will display a menu of documents in that category. Although every effort has been made to make sure the menus reflect the terminology commonly used in this district, it is possible the menu will not display exactly the same wording as is in the title of your document.

Note: The Court does not expect you to change the title of your document to exactly match the terminology employed by the system. If you are not sure what to select, please call the Clerk's Office for assistance.

All menus are in alphabetical order. You may scroll through them by using the arrows to the right of the menu or you may type in the first letter of the name of the document you are filing. This will take you to the first document on the list beginning with that letter. (The documents in the list are also known as "events.")

- c) Click on the name of the document you are filing and then click **Next**.

You can choose multiple events within the same category. For example, if you are filing a motion for a preliminary and permanent injunction, simply click on them and all of the events you have selected will appear in the text box entitled **Selected Events**.

If you click on an event by mistake, you can remove it from the Selected Events list by clicking on it.

3. Enter the Case Number

a) Enter your case number using one of the following formats:

- 99-12345
- 1:99-cv-12345
- 1-99-cv-12345
- 99cv12345
- 1:99cv12345

b) Click **Find This Case**. If there is more than one case matching the case number information you entered, the system will display a screen with the full numbers of any cases with that number.

c) Select the appropriate case and click **Next**.

Note: The system will automatically display the case number of the last case you accessed during the session. If it is the case number in which you are filing the document, click **Next**. Otherwise, enter a new case number as explained in step 1. If it is not the correct case, simply click on your browser's **Back** button and re-enter the case number.

4. 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 now be prompted to select the filer. Using the right side of the screen, click on the filing party and then click **Next**.

For certain documents you may be prompted to select the party on whose behalf you are filing and then the party against whom you are filing.

If this is the first time you are filing on behalf of a party, a screen labelled **Motions** will appear.

If you are representing the party, make sure the box in front of the party's name and the check box for Notice are checked. By doing so, there is no need to file a separate Notice of Appearance. (If you are the lead attorney, you may also check the **Lead attorney** check box).

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 you do not unintentionally enter your appearance on behalf of an opposing party.

5. Should Documents Be Sealed?

Sealed documents may be filed in unsealed cases. While docketing, you may be prompted to select either **Sealed** or **Unsealed**.

Because your filing may include more than one document, one of the following situations will apply:

- No document needs to be sealed
- All documents should be sealed
- Some documents should be sealed; some documents should be unsealed

If no document needs to be sealed, click the **Unsealed** radio button, and then click **Next**.

If one or more documents should be sealed, follow the instructions below.

a. Prepare Document(s)

Prepare your sealed document. In the caption, on the right side, either directly above or below the case number, one of the following should appear in all capital letters and in bold: "**SEALED**" or "**FILED UNDER SEAL**." If the document is an exhibit which does not bear the case caption, one of these phrases should appear prominently on the upper right side of the document.

While it is acceptable to put red seals on documents, keep in mind seals can mean things other than the fact that a document is

being filed under seal. Therefore, a seal in and of itself is not sufficient to flag a document as sealed.

If you would like to seal all the documents for this filing, follow the instructions under **All Documents should be Sealed**. Otherwise, if you would like some documents to be sealed and some to be unsealed, follow the instructions under **Main Document Should be Unsealed; One or More Attachments Should be Sealed**.

b. All Documents Should Be Sealed

Select the same event you would use if the document(s) did not need to be sealed. However, when prompted to indicate whether the document should be sealed or unsealed, click the Sealed radio button, then click Next. **Unless there is already a Protective Order or an Order to Seal which allows this specific document to be sealed, you will be required to file a Motion to Seal this document.** The Motion to Seal must be filed immediately after filing the sealed document.

The document(s) will be temporarily placed under seal until a ruling is made on the request to seal.

Example – you are filing a response in opposition to a motion. Select the event **Response in Opposition to Motion**. If you want to seal the response and attachments (if any), select “Sealed” when prompted. Whenever **Sealed** is selected, a screen will appear asking if there is a Protective Order or an Order to Seal that allows for filing this specific document under seal. If there is not one filed, then it will inform you that you must file a Motion to Seal the document after completing that entry.

c. Main Document Should Be Unsealed; One or More Attachments Should Be Sealed

In this example, assume you are filing a reply to a response to a motion. You have decided the reply does not need to be sealed, but Exhibit A should be sealed. **Your filing will occur in two parts.**

First:

- 1) File the unsealed document (the main document) by selecting the same event you would use if none of the documents needed to be sealed.
- 2) In place of the sealed document (i.e., Exhibit A), complete the Notice of Filing Exhibit or Attachment Under Seal sample of this document) as a placeholder for the sealed document(s). Attach it as an attachment to the main document.
- 3) When prompted to indicate whether the document should be sealed or unsealed, click the **Unsealed** radio button, then click **Next**.

Example – select the event Reply to Response to Motion. Attach the reply. Instead of attaching the sealed exhibit, complete and attach the **Notice of Filing Exhibit or Attachment Under Seal**. When prompted, click the “Unsealed” radio button.

Second:

- 1) After filing the unsealed document(s) and the placeholder(s) as explained above, file the sealed document(s) by using the event **Notice of Filing Exhibit or Attachment Under Seal**. (Click **Civil** on the top menu bar, then click **Notices**, then select **Notice of Filing Exhibit or Attachment Under Seal**).
- 2) Attach the sealed document(s). The document will be automatically sealed. Electronic access to sealed documents is limited to specific court users that have sealed access.
- 3) **Unless there is already a Protective Order or an Order to Seal which allows this specific document to be sealed, you must also file a Motion to Seal this specific document.** The Motion to Seal must be filed immediately after filing the sealed document.

Example – select the event **Notice of Filing Exhibit or Attachment Under Seal**. Attach Exhibit A (your sealed

document). The document will be automatically sealed, so you will not be prompted to select “Sealed” or “Unsealed”.

d. Procedures Applicable to All 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 Civil Procedure. Service may be made in paper format or in any other format/means agreed to by the parties. Your filing with the Court must include a Certificate of Service reflecting service by other means.

Any document you are filing under seal must be accompanied by a courtesy copy for chambers. Documents filed under seal cannot be served through CM/ECF because parties do not have access to sealed documents.

e. Redacted Documents

Similar to a sealed document, if you are filing a redacted document and an unredacted version of a document, prepare both documents. In the caption of the redacted version, on the right side, either directly above or below the case number, one of the following should appear in all capital letters and in bold: “**REDACTED**” or “**REDACTED VERSION.**”

If a document is to be redacted, (for example, a memorandum containing personal identifiers in only one section):

- 1) File the redacted version of the document using the event **Redacted Document**.
- 2) File the unredacted version using the event, **Unredacted Document**. This document WILL NOT be sealed, but only case participants will have access to it.

6. Add Documents

You cannot proceed any further until you have attached a main document.

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

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 Stay
- Memorandum in Support
- Proposed Order
- Exhibit A
- Exhibit B

To attach 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) Click the **Browse...** button under Main Document and the system will 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 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, you should view the document to verify it is the correct one by right clicking on the file name. A menu will open. Click either **Open** or **Open with Acrobat**.
- 5) This will cause the system to launch Adobe Acrobat Reader and display the contents of the document. Close Acrobat Reader by clicking the **X** in the upper right corner. This will return you to the Choose file window.
- 6) Once you have located the correct document, click the **Open** button in the lower right corner of the Choose file window. The system will then

insert the path and file name in the filename field next to the **Browse...** button.

b. Add Attachments

- 1) To attach additional documents, click the **Browse...** button under Attachments and follow steps 2 through 6 above.
- 2) After adding an attachment, you must choose a category from the drop-down list and/or enter a description of the attachment. It can be useful to use descriptive labels when there are multiple attachments. Whether you select a category listed or enter a description on your own, both will display in the final docket text. Therefore, do not repeat the same text in both places.
- 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**.

7. Link to Other Documents

Depending upon the type of document you are filing, the system may offer you the chance to link your document to another document previously filed in the case. Creating a link will cause the system to reference the other document in the docket entry.

To create a link, check the box next to the appropriate document, then click **Next**.

8. 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 field after the name of the motion. Some other events do not allow you this opportunity.

After you make any modifications to the docket entry, click **Next**.

If you had indicated the document should be sealed, “**SEALED**” will precede the usual docket text. Again, make any necessary modifications, and click **Next**.

9. 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. This page will also provide the name of your attachment and the number of pages.

Up to this point, no information has been entered into the system and no notice has been sent to any party. If you decide 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, you will need to click **Civil** on the main menu bar and start this filing from the beginning.

This is the “point of no return!” If you are sure you want to file the document with the docket entry text displayed, click **Next**.

10. Notice of Electronic Filing (NEF)

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 and 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.

a. Service on Registered CM/ECF 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 electronic service subject to the provisions of Fed. R. Civ. P. 5(b) and Fed. R. Crim. P. 49.

It is therefore essential that counsel maintain current contact information, including email addresses, in their CM/ECF attorney records.

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.

Documents filed under seal cannot be served through CM/ECF because parties do not have access to sealed documents.

b. Service on Parties Not Registered to Use CM/ECF

If the NEF lists a party or counsel under the heading: “Notice will not be electronically delivered to,” the filing party must serve the document in accordance with the Federal Rules of Civil 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 blank Certificate of Service is available as a form on our website.

C. General Procedures

1. Authenticated Documents

Documents that are certified, notarized, or authenticated by other means should be scanned and filed electronically if they are not excessively lengthy (less than 30 megabytes). 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 taking an appeal has expired.

If the document is excessively large, file the original in paper format and follow the procedures for filing a lengthy document. See [Lengthy Documents](#) § III.A.4.

2. Courtesy Copies

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 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 courtesy copy sent to the Clerk's Office.**

The courtesy copy should be received by the Clerk's Office within 48 hours of the electronic filing of the document, excluding weekends, legal holidays, and days the court is closed.

Any documents which, because of their length or any other reason, are not filed electronically should also be accompanied by the number of copies required by Local Rule 105.1.b. See [Lengthy Documents](#) § III.A.4..

3. 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 Civil Procedure and the Local Rules of this Court.

If a document is incorrectly filed, 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.

In some cases a document will be marked as filed in error. Documents are typically marked filed in error when the document should not have been filed with the Court (e.g., discovery materials including Rule 26(a) disclosures) or when there is an error with the document filed

b. Errors Reported by the Filing Party

If you notice you have made a mistake during filing, you should immediately contact the Clerk's Office 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. A listing of case administrators by digit is available on the Court's website.

New Case Filing Error: If you erroneously file a new case or you begin but do not complete the process of filing a new case, please call the Clerk's Office immediately.

4. Pay.gov Instructions

Attorneys may pay certain fees online with a credit card or via bank account debit. The fees that may be paid online are:

- Filing fee for a new case (only for those attorneys who have the ability to open their own cases).
- Filing fee for a notice of appeal, subsequent notice of appeal, notice of cross appeal, and notice of interlocutory appeal.
- Fee for admission pro hac vice, renewal, or certificates of good standing.

While filing the related document in CM/ECF, a screen labelled **System Message** will appear and ask you to input payment information. This is the Pay.gov website.

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

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.

a. 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**.

b. 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.
- From the drop-down list, select the type of credit card you are using.
- Enter the credit card number, security code and expiration date.
- Click **Continue with Plastic Card Payment**.

C. 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 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.

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.

When you are returned to the CM/ECF site, your docket text will be displayed. You may add any additional text in the blank field if needed. Pay.gov automatically updates your docket text with your receipt number and it will show in this preview. Click **Next** to continue with the filing.

d. Payment Error

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 Case Administrator**. 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.

5. Privacy Requirements

a. Information to be Redacted

In accordance with Fed. R. Civ. P. 5.2 and Fed. R. Crim. P. 49.1, the parties must refrain from including **or must redact** the following information from all documents not submitted under seal:

- Full Social Security numbers. If an individual's Social Security number must be included in a document, only the last four digits of the number should be used.
- Taxpayer identification numbers. If an individual's taxpayer identification 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.

b. Enforcement

It is the responsibility of counsel and the parties to redact these personal identifiers. The Clerk's Office does not screen documents and cannot reject them solely on the basis that they contain personal identifiers.

However, on its own initiative or at the request of a party, the Court may strike the document, direct other corrective action, and/or impose sanctions on any party failing to redact such information.

6. Query Menu

The **Query** option on the main menu bar in CM/ECF allows users to search for cases. To use this option, you must have a PACER account and be logged into CM/ECF 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.

a. MDL Case Report

The Query menu includes a MDL Case Report query for searching multidistrict litigation cases. All cases associated with the same JPML (Judicial Panel on Multidistrict Litigation) number as the target case will be listed, sorted by case type, (descending so **md** case type sorts before **cv**) and case number. When the MDL Case Report is run, the user can determine whether all MDL-related cases or only pending MDL-related cases should display.

b. Mobile Query

The mobile PACER Case Locator (PCL) provided by the PACER service center is now linked to CM/ECF. Users can access the mobile query via the Mobile Query link on the Query selection criteria page, from a case link from PACER's mobile PACER Case Locator, or through the Mobile Query link on the Query results page.

The mobile query interface offers a simplified user experience optimized for display on mobile devices. This interface incorporates the following functions:

- Search interface
- Party selection from party name search result list
- Case selection from case search result list based on case or party name search
- Attorney information for selected case
- Party information for selected case
- Deadlines/Hearings for selected case

- Docket entries for selected case
- PACER login

7. Reports Menu

The **Reports** option on the main 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, judgment index, and case reports and 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. However, we will not be entering hearing dates into the system so the information in the report will not be accurate.

a. Civil Case Report

This report is similar to the main Query Report but allows a few more options for limiting your search, such as case flags, the division the case is assigned to, etc.

To obtain a Civil Cases Report,

- 1) Click **Reports** on the main menu bar
- 2) Click **Civil Cases**.
- 3) Enter the criteria for your report.
- 4) 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 either the Query Menu or the Docket Sheet Report.

The Civil Cases Report also includes a **JPML number** (Judicial Panel on Multidistrict Litigation) field on the selection criteria screens, so the report can be run by JPML number for multidistrict litigation cases.

b. Criminal Case Report

This report is similar to the main Query Report but allows a few more options for limiting your search, such as case flags, the division the case is assigned to, etc.

To obtain a Criminal Cases Report,

- 1) Click **Reports** on the main menu bar
- 2) Click **Criminal Cases**.
- 3) Enter the criteria for your report.
- 4) 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 either the Query Menu or the Docket Sheet Report.

c. 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 document 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 it.

To obtain a docket sheet,

1. Click **Reports** on the main menu bar
2. Click **Docket Sheet**.

3. Enter the case number, then click **Find This Case**.
4. Depending on how much of the docket you would like to view and in what order, select your options and then click **Run Report**.

The **Sort by** drop-down list on the Docket Sheet selection criteria screen includes a **Document number** option. If selected, those entries without document numbers will appear chronologically within the entries that do have document numbers.

d. Judgment Index

This report allows you to search for judgments by case number, party name, or a particular date range. Judgments entered prior to March 3, 2003, may not appear in your search results.

When using the report, please keep in mind the “Status” will be only as accurate as the information entered into the system. If a party has not entered information relating to satisfaction of a judgment, it will not appear on the report.

8. Signature Format

The Court has approved the following options for electronically signing documents filed through CM/ECF. Under Local Rule 102.1.b, attorneys remain responsible for ensuring current contact information is provided at the bottom of all documents filed either by paper or electronically.

a. Attorney Signature Formats

1) Documents Requiring One Attorney's Signature

Anything filed using an attorney's login and password will be deemed to have been signed by that attorney for all purposes, including Fed. R. Civ. P. 11. Attorneys may, but are not required to, place an electronic signature on documents and papers. For the attorney whose login and password is being used, it is sufficient to indicate a signature as in the following example:

_____/s/_____
John M. Barrister, Esquire

2) Documents Requiring Signatures of Multiple Attorneys

Documents and papers which are normally signed by more than one attorney, regardless of whether the attorneys represent the same party or different parties, may be handled in any of the following ways.

In any case where attorneys become aware that someone has proffered to this Court that they have consented to their signature being placed on a document or that they have signed a document when in fact they have not signed or consented, it is the responsibility of that attorney to notify this Court immediately and request the document be stricken.

Option 1

First, the attorney whose login and password are being used to file the document may obtain approval from any other attorney to state the other attorney has authorized him or her to sign the document on his or her behalf. Such approval may be indicated as in the following example:

_____/s/_____
Sally Solicitor, Esquire

_____/s/_____
John M. Barrister, Esquire
(signed by John M. Barrister with permission of Sally
Solicitor)

In such circumstances, the attorney whose login and password is used to file the document is responsible for maintaining a record of when and how permission was obtained to sign the other attorney's name, in case any questions arise.

Option 2

Second, the attorney whose login and password are being used to file the document may obtain and maintain in his or her records a paper copy of the document signed by the other attorney. Possession of such a signed copy may be indicated as in the following example:

_____/s/_____
Sally Solicitor, Esquire

_____/s/_____
John M. Barrister, Esquire
(signed copy of document bearing signature of Sally Solicitor
is being maintained in office of John M. Barrister)

In such circumstances, the attorney whose login and password are used to file the document is responsible for maintaining the signed copy of the document until all appeals have been exhausted or the time for seeking appellate review has expired.

Option 3

Third, the attorney whose login and password are being used to file the document may obtain original signatures from all attorneys who are filing the document, scan the signature page **only** and file it as an attachment to the document. In this situation, the electronic version should bear language similar to the following:

_____/s/_____
Sally Solicitor, Esquire

_____/s/_____
John M. Barrister, Esquire

*A copy of the signature page bearing original signatures is attached hereto as Attachment 1.

In such circumstances, the attorney whose login and password are being used to file the document is responsible for maintaining the signed copy of the document until all appeals have been exhausted or the time for seeking appellate review has expired.

b. Non-Attorney Signature Formats

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

Option 1

Unless the document is excessively lengthy (See [Lengthy Documents](#) § III.A.4.), it can be signed by hand, scanned and then filed electronically.

Option 2

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.

Option 3

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.

9. Utilities Menu

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

a. Maintain Your Account

Under Local Rule 701.2, all members for the bar are required to maintain a current mailing address and email address with the Clerk's Office. Additionally, attorneys appearing in any case are also required to mailing a current mailing address and email address with the Clerk's Office. See Local Rule 102.1.b.ii. Attorneys can update and maintain their own contact information in CM/ECF. See [Updating Attorney Contact Information](#).

b. Login and Password

1) View 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.

2) 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.

c. Legal Research

This option allows you to access online medical and legal dictionaries and access Westlaw. This is a pre-packaged option that came with the system. The Court does **not** endorse any particular websites or online services.

d. 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 you 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.

10. Embedded Audio and Video Files

Documents containing embedded audio and/or video files may not be filed without prior approval from the presiding judge.

IV. ELECTRONIC CASE FILING CIVIL PROCEDURES

A. Electronic Filing in Civil Cases

1. Civil Cases Subject to Electronic Filing

Pursuant to Local Rule 102.1.d, all new civil and miscellaneous cases filed on or after March 3, 2003, are subject to the electronic filing requirements and procedures set out in these procedures. All civil cases pending as of March 3, 2003, which are not exempted by the presiding judge also are subject to the electronic filing requirements and procedures set forth in this manual from that date forward. Documents filed in paper format prior to March 3, 2003, do not need to be resubmitted in electronic format unless specifically directed by this Court in a particular case

a. Complaints and Other Case Initiating Documents

New cases may either be filed electronically or submitted in paper format to the Clerk's Office for filing. To file a new case electronically, please refer to [Civil Case Opening Procedures](#) § IV.B.

b. Civil Cases Exempt From Electronic Case Opening

The only cases exempt from electronic case opening by counsel are sealed cases, Bankruptcy Appeals, cases transferred from another district, and all miscellaneous cases. With the exception of sealed cases, once the case is opened by court staff in CM/ECF, all subsequent filings should be filed electronically.

c. Paper Filing of New Cases

To file a new case with the Clerk's Office in paper format, you should submit:

- One paper copy of the complaint or other initiating document, along with any attachments, motions, or other documents being filed at the same time.

- The paper copy of the complaint or other initiating document should be signed by counsel. It is not necessary to scan counsel's signature for the PDF version.
- One paper copy of the civil cover sheet.
- A CD containing PDF versions of the complaint or other initiating document(s), civil cover sheet, attachments (subject to the procedures governing lengthy documents), motions, or other documents being filed at the same time. Each attachment, motion, or other document **MUST** be a separate PDF. It is not necessary to submit a separate CD for each document.
- If you are filing more than one case, each case must be on a separate CD.
- If summonses are needed, original paper summonses must be provided (PDF versions of the summonses are not required).
- If service is to be made by private process, there is no need to submit service copies to the Clerk's Office.
- If service is to be made by the U.S. Marshal, you must submit the appropriate number of service copies of the complaint and related documents to the Clerk's Office.

WARNING: Failure to submit PDF versions of the complaint and other documents will cause delays in the opening of the case. The Clerk's Office may decline to issue summonses until PDF versions of the documents are provided.

The Clerk's Office will open the case and electronically file the complaint or other initiating document and any other documents submitted. You will be electronically notified of the filing of the complaint and the notification will include your case number. We will issue the summonses, scan them, and docket the PDF versions. The paper summonses will be returned to you for service or, if appropriate, sent to the U.S. Marshal for service. The paper copies of the complaint and other documents will be sent to the assigned judge for his or her chamber's file. The official court documents will be the PDF versions electronically filed

When filing a new case with a motion for a temporary restraining order, you should submit two paper copies of the complaint, motion and any other documents along with the PDF versions.

Detailed instructions for opening Social Security cases in CM/ECF are available at <http://www.mdd.uscourts.gov/electronic-case-filing-information>.

2. Documents Subject to Electronic Filing

All documents filed by counsel in a case subject to electronic filing (except length documents as explained under [Lengthy Documents](#) § III.A.4) are to be filed electronically.

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

3. Requesting an Exemption from Electronic Filing

Counsel in a case subject to electronic filing may request the case be exempted from the electronic filing requirements and procedures by filing a motion setting forth the grounds for the request. Requests for exemptions will be granted only for good cause.

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."

B. Case Opening Procedures

The Court allows attorneys to open some civil cases electronically. Cases that are excluded and should be filed in the traditional manner through the Clerk's Office are:

- Sealed
- Bankruptcy Appeal

- Miscellaneous
- Cases transferred in from another district

These cases should be filed in paper format and accompanied by a CD containing PDF versions of all documents and attachments to be filed.

If you are filing an emergency matter, you must contact the Clerk's Office before electronically filing the case. Clerk's Office staff will contact the appropriate judge if necessary.

Before you begin instituting your case in CM/ECF, you must first prepare your complaint, any exhibits, summonses, civil cover sheet, and your Local Rule 103.3 Corporate Disclosure statement, if applicable. You must convert each document into a separate PDF document. The Civil Cover Sheet is available as a form on our website.

Please complete this form as accurately as possible as this information is used to collect statistical information for the Court and the federal judiciary.

If you do not wish to remit payment online via Pay.gov, then you must file your new case in the traditional manner through the Clerk's Office. Remember to include a CD containing PDF files of all documents and attachments to be filed.

1. Local Rule 501

Local Rule 501 governs the assignment of civil cases among the two divisions of this Court. To ensure compliance with Local Rule 501, all complaints must include the county of residence of any Maryland parties in the caption. Cases in which no party is a resident of Maryland will be assigned to judges sitting in the division where the events allegedly giving rise to the claim(s) set forth in the complaint occurred. For the purpose of remedying any imbalance in caseload, the Court may direct any case be assigned to any judge regardless of the division where the judge sits.

For guidance, Local Rule 501.4, which applies to all non-removal or prisoner civil cases, is reproduced below.

Other civil cases shall be assigned in accordance with the provisions set forth in this paragraph, with priority accorded to the first provision that may be applicable. Any questions about a particular assignment shall be decided by the Court.

a) Cases Involving Government Agencies

- i. A case in which a Maryland local government or agency is a party shall be assigned to a judge sitting in the division of the Court in which the principal office of the local government or agency is located.
- ii. A case in which the United States, the State of Maryland, or one of their agencies and a non-governmental entity or individual residing in Maryland are opposing parties shall be assigned to a judge sitting in the division of the Court in which the non-governmental party resides.

b) Cases Involving Maryland Residents

- i. A case in which all of the Maryland parties reside in the same division (a corporation's residence shall be its principal place of business in Maryland) shall be assigned to a judge sitting in that division.
- ii. A case in which the Maryland parties reside in different divisions of the Court shall be assigned to a judge sitting in the division where a majority of the Maryland parties reside, but if there is not a majority resident in either division, then the case shall be assigned to a judge sitting in the division of the Court in which the events described in the Complaint took place.
- iii. A class action shall be assigned to a judge sitting in the division of the Court where a majority of the named plaintiffs reside, but if there is not a majority resident in either division, then the case shall be assigned to a judge sitting in the division of the Court in which the events described in the Complaint took place.

c) Cases in Which No Party Resides in Maryland

A case in which no party is a resident of Maryland shall be assigned to a judge sitting in the division in which the events described in the Complaint took place.

2. Opening a Civil Case Electronically

To begin opening your civil case, log in to the CM/ECF system. On the top menu bar, click **Civil** and then under the Civil Events menu select **Open Case - Attorney**.

Continue through the following steps.

a. Case Opening Screen

The first two screens collect statistical information from the Civil Cover Sheet and assist in proper assignment of the new case.

b. Select a Divisional Office

It is very important you select the appropriate division corresponding to the appropriate county as required by Local Rule 501.

- **Northern Division Counties:** Garrett, Allegany, Washington, Frederick, Carroll, Howard, Baltimore City, Baltimore, Anne Arundel, Harford, Cecil, Kent, Queen Anne, Talbot, Caroline, Dorchester, Somerset, Worcester, Wicomico
- **Southern Division Counties:** Montgomery, Prince George's, Charles, Calvert, St. Mary's

The Clerk's Office will change the divisional office if entered incorrectly. If you need assistance in determining the correct division, call the Clerk's Office for guidance.

The following fields are for court use only. **Do not change or add any information in these fields:**

- Case type (cv - Civil Case)
- Lead case number
- Association type
- Other court name
- Other court number
- Related Cases

Click **Next**.

c. Enter General Information

Note: You should not use the browser's Back button during this process. If you make a mistake, it is better to start the process from the beginning by selecting **Civil** on the top menu bar.

Use **Filter** to narrow the selection in the Cause of action drop-down menu, enter words or numbers related to your search in the Filter field. For example, if you are looking for a cause of action pertaining to fraud, type "fraud" in the filter field. Then when you click on the drop-down arrow, the list to select from will be much shorter. There is also a Filter field for the Nature of suit field.

Field	Information
Jurisdiction	<p>There are five options. The CM/ECF system defaults to 3 (Federal Question), however, you may choose one of the other options.</p> <ul style="list-style-type: none"> • 1 (U.S. Government Plaintiff) • 2 (U.S. Government Defendant) • (Diversity) - If you select 4 (Diversity), you will be required to complete the Citizenship fields for both Plaintiff and Defendant. • 5 (Local Question)
Cause of Action	Select the title that best applies to your case
Nature of Suit	Select the appropriate Nature of Suit from your Civil Cover Sheet
Origin	Leave the default Origin code 1 (Original Proceeding)
Citizenship (Diversity Jurisdiction only)	Make the appropriate selection of Citizenship plaintiff and Citizenship defendant only if Diversity was selected in the Jurisdiction field.
Jury Demand	In addition to noting Jury Demand on the Civil Cover Sheet, the Jury Demand must also be requested in the Complaint or filed as a separate PDF document.
Class Action	This field is for Court Use Only. If this is a class action case, the Clerk's Office will make the necessary modifications.
Demand	Enter the dollar amount (in thousands of dollars) being demanded. Example: \$100,000 = 100. If the demand is greater than \$10,000,000, then enter 9999 .
Arbitration Code	Leave blank

County	<p>This field is a statistical code for the county of the first listed plaintiff. If the U.S. Government is the plaintiff or if this is a land condemnation case, use the county of residence of the first listed defendant or the location of the tract of land involved.</p> <p>If the plaintiff is the State of Maryland, the County should reflect that county where the events described in the Complaint took place.</p>
Fee Status	<ul style="list-style-type: none"> • Select fp (in forma pauperis) • Select none (no fee required) if Jones Act (Seaman’s Act) applies • Select pd (paid) if being paid online with this filing. • Select pend (IFP pending) if submitting a motion to proceed in forma pauperis with filing. • wv (waived) is for US Attorney use only.
Fee Date	Leave blank
Date Transfer	Leave blank

Click **Next**.

d. Adding Parties

The next step is to enter the parties for your case. Do not enter any extra information, even if the system shows available text boxes.

Enter the parties in upper and lower case as appropriate. All information added on this screen will be viewable by the public.

The system will display the Search for a party screen. The left side of the screen allows you only to view the parties in the case. Using the right side of the screen, enter all parties in the case in sequential order as listed in the Complaint. All plaintiffs should be entered first, followed by all defendants.

1) Search for a Party

If the party is an individual, type the last name of the party.

If the party is a business or other entity, type the business name in the Last/Business Name field.

Do not enter information in the First Name or Middle Name field.

Click **Search**.

- **If a list of names appears and one is an exact match**, click on that name and then click **Select Party**.
- **If no list appears or if there is no exact match**, click **Create New Party**. In this example, the party search located only one option. We clicked on “Bank of the World” to select it and then clicked **Select Party**.

Social Security Cases: If you are representing a party in a Social Security case, you must also add the party called **SSA Notify**.

Note: Names of parties must be entered exactly as shown in the Complaint.

2) Updating or Creating a Party

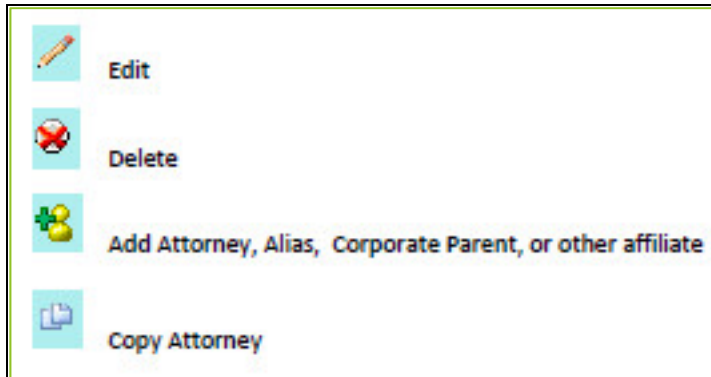
The Party Information screen will be displayed. If you clicked **Create New Party** in the prior step, you must now enter the last name, first name, middle initial.

- **Role** - Be sure to select the correct role for the party, i.e., Plaintiff. Do not enter the party’s address or any other information on this screen. (If you added “SSA Notify” as a party for a Social Security case, select “Interested Party” as the role for SSA Notify). •
- **Pro Se** - Do not change the designation

- **Party text** - This field will allow you to add descriptive information about the party that is being entered such as, “Individually a Maryland Corporation.” Do not add alias information such as, “Trading As,” “Doing Business As,” etc. in this field.

Click **Add Party**.

Repeat the above steps until all plaintiffs and defendants have been added to the case. Each time you click **Add Party**, party information will be added to the left side of the screen. The following icons appear next to each party to allow for editing or deleting parties once added.



e. Add Attorney

On the left side of the screen click the **Add Attorney** icon (shown below) next to one of the parties you represent.



The right side of the screen will display a field to search for your name.

- 1) Enter your name, and click **Search**
- 2) Select your name from the list, and click **Select Attorney**.
- 3) The next screen will display your name and contact information. **DO NOT CHANGE ANY ATTORNEY CONTACT INFORMATION DISPLAYED ON THAT SCREEN.** If your contact information needs to be changed please follow these instructions: [Updating Attorney Contact Information](#).

If you are representing additional parties in the case, you can then copy your information to the other parties.

- 1) On the left side of the screen click the **Copy Attorney** icon (shown above) next to the party to which you want to be added.
 - 2) On the right side of the screen a check box will be displayed next to your name.
 - 3) Click the box, then click **Copy Attorneys**.
- If there is no alias for any party, continue to **Create the Case**.
 - If there is an alias for any party, continue to **Adding Aliases**.

f. Adding Aliases

Adding an alias is similar to searching and selecting parties or attorneys.

To add an alias:

- 1) On the left side of the screen, click the **Add Alias** icon next to Alias for the appropriate party.
- 2) The right side of the screen will display a field to enter the last name of the alias. Enter the name, and click **Search**.
- 3) If the name you entered is in the list, click on the name and then click **Select Alias**.

- 4) If the name is not in the list, click **Create New Alias**, add the information, and click **Add Alias**.
- 5) Repeat these steps if additional aliases are associated with the party.

g. Displaying Parties and Case Participants

After you have added all parties and case participants, you may want the left side of the screen to display only the parties.

- Click **Collapse All** and only the parties will show.
- To display all case participants again, click **Expand All**.

h. Create the Case

After you have added plaintiffs, defendants, attorneys, and aliases, you are ready to create the case:

- 1) Click the **Create Case** button.
- 2) A window will be displayed with the message “**Case will be created. Proceed?**”
- 3) Click **Yes**.

If you are ready to docket the lead event, click the link **Docket Lead Event?** The **Complaints and Other Initiating Documents** screen will be displayed.

3. Docketing the Lead Event

Once you click **Create Case**, the system will display the **Docket Lead Event** link. Click the link and the system will send you to the **Complaints and Other Initiating Documents** screen. Select the appropriate Complaint event, then click **Next**.

a. Select the Case

The system will display the case number screen. Verify the case number. If it is correct, click **Next**. If this is not the correct case number, enter the correct case number and click **Find this Case**. Click **Next** once you have selected the correct case number.

b. Select the Parties

The system will now display the Select the filer screen.

1) Select the Filer

Select the appropriate party that is filing the document. You may either:

- Select an existing party

OR

- Add a new filing party now if you forgot to add them earlier. If you are adding a new party now, follow the instructions under “Adding Parties.”

Click **Next**

2) Select the Party This Filing is Against

Select the party that this filing is against. Similar to step 1, you may either:

- Select an existing party

OR

- Add a new party now if you forgot to add them earlier. If you are adding a new party now, follow the instructions under “Adding Parties.”

Important: Do not use the options under **Select a Group**. For example, if this filing is being filed against all the defendants, select the individual defendants in the Select the Party area.

Click **Next**

c. Add PDF Documents

You cannot proceed any further until you have attached a main document. All documents must be in separate PDF files. For example, **you should have a separate PDF file** for each of the following:

- Complaint
- Civil Cover Sheet
- All Exhibits/Attachments to the Complaint
- Judicial Summons for the Clerk's Office to issue (if applicable)

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 to view documents on your computer or network.

Any other documents you are filing in this case must be filed separately, under the appropriate event.

1) Add Main Document

- a) Click the **Browse...** button under Main Document and the system will display the Choose file window.
- b) Change the **Files of type** field at the bottom of the window to "All Files (*.*)" or "Acrobat (*.pdf)" so you can view PDF documents.
- c) Navigate through your directories and folders by clicking on either the down arrow at the right of the Look in box or the up one level icon to the right of the box.
- d) Once you have located the PDF document you wish to file, click on it to select it.

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

2) Add Attachments

- a) To attach a Civil Cover Sheet, Exhibits, and/or Summonses, click the **Browse...** button under Attachments and follow the instructions above.
- b) After adding the 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.
- c) If you make a mistake and add the wrong attachment, click the **Remove** button to remove it.
- d) Continue doing this until you have added all attachments. Then click **Next**.

d. Answer Potential Questions

Depending on the Cause of Action and the Nature of Suit, you MAY be asked one or more questions. Simply select Yes or No as appropriate for each question and click **Next**

The system will ask three questions regarding payment. If you are paying by credit card or check, or can answer no to any of the questions, select **No**. If you can answer yes to any of the questions, select **Yes**. Click **Next**.

If you answer Yes, the system will automatically direct you to the docket text screen. Go to step f, **Complete the Filing**.

However, if you answer **No**, the system will display the filing fee. Click **Next** and you will be automatically directed to the Pay.gov website.

e. Pay.gov Website

Please refer to [Pay.gov Instructions](#) § III.C.4 for information on this section.

f. Complete the Filing

The system will display the final version of your docket text. It will also display all of the attachments and documents you added. If everything is accurate, click **Next**. If there are any discrepancies, hitting your **Back** browser button will only allow you to modify your docket entry; you will not be able to attach or remove any other documents to this Complaint.

By clicking Next, you are committing to this transaction and there will be no other opportunities to modify. DO NOT ATTEMPT TO OPEN ANOTHER CASE!

Click **Next**.

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

Please keep in mind that once a document is filed, CM/ECF will only allow one opportunity to view and or print the document free of charge once for each login account.

If case assignment fails, contact the Clerk's Office immediately at 410-962-2600 or 301-344-0660.

C. Amended Documents

1. Original of Proposed Amendment to Accompany Motion

Whenever a party files a motion requesting leave to file an amended filing, the original of the proposed amended document must accompany the motion. If the motion is granted, an additional copy of the amended document need not be filed. The amended document will be deemed to have been served, for the purpose of determining the time for response under Fed. R. Civ. P. 15(a), on the date the Court grants leave for its filing.

2. Exhibits to Amended Documents

Unless otherwise ordered by the Court, only newly added exhibits are to be attached to an amended document. However, if the amended document adds a new party, counsel must serve all exhibits referred to in the amended document upon the new party.

3. Identification of Amendments

Unless otherwise ordered by the Court, the party filing an amended document must file and serve (1) a clean copy of the amended document and (2) a copy of the amended document in which stricken material has been lined through or enclosed in brackets and new material has been underlined or set forth in bold-faced type. See Local Rule 103.6.

Attach the clean copy of the amended document as the Main Document and attach the “red-lined” version as an attachment.

4. Requested Consent of Other Counsel

Before filing a motion requesting leave to file an amended document, counsel must attempt to obtain the consent of other counsel. Counsel must state in the motion whether the other counsel consents to the motion.

D. Answers

In a civil case subject to electronic filing, answers must be filed electronically.

To electronically file an answer, follow the steps below:

1. Log in, Select Event, Select Case

Log into the CM/ECF system and click **Civil** on the top menu bar. The system will display the Civil Events screen. Click **Answers to Complaints**.

You will be prompted to enter the case number of the case in which the answer is to be filed. After entering the number, click **Next**.

2. Select the Filer

The system will display the Select Filer screen.

Click on the name of the party on whose behalf you are filing the answer. If you are filing on behalf of more than one party, you may select multiple parties by holding down the control (Ctrl) key while clicking on the parties. Once the party or parties have been selected, click **Next**.

If this is the first document you have filed in the case, a screen will display to allow you to be added and associated as an attorney for the answering party.

If you are representing the party, make sure the party/attorney and Notice boxes are checked. By doing so, there is no need to file a separate Notice of Appearance. Check the **Lead attorney** box if appropriate.

You cannot enter the appearance of an attorney other than the one whose login and password is being used. If a party is represented by more than one attorney who is a registered ECF user, the appearance of the additional attorney should be entered separately by the second attorney, using the second attorney's login and password. The second and any subsequent attorneys must separately electronically enter their appearances after the answer has been filed. See [Entering an Appearance](#) § IV.M.

3. Seal the Documents?

The system will ask if the document you attached should be sealed. Select **Sealed** or **Unsealed** and click **Next**.

Unless there is already a Protective Order or an Order to Seal which allows this specific document to be sealed, you must also file a Motion to Seal this specific document.

4. Select the Complaint and Attach your Answer

The system will display the complaint selection screen. This screen lists the docket entries for all complaints, counterclaims, cross-claims, and third party complaints for which an answer is still due. Click the check box next to the filing to which you are answering, then click **Next**.

The system will display the select document screen. Attach your PDF answer document and click **Next**.

5. Counterclaim, Cross-Claim, or Third-Party Complaint?

The system will prompt you to indicate whether the answer includes a counterclaim, cross-claim, or third party complaint.

If your answer includes a counterclaim, cross-claim, or third party complaint, click the appropriate check box(es). If the answer does not include any of these, leave the check boxes blank. Then click **Next**.

If you checked that you are filing a counterclaim, cross-claim, or third party complaint, you will be prompted to select the party against whom you are filing. If you are filing against a party already in the case, select the party from the list, click **Next**, and go to Step 6.

If the party you are filing against is not on the list, click the **New Party** button.

- a) When creating a new party, you will first be prompted to search the system for the party. (A party not already in your case may be in the system because they were a party to a different case.) You do not need to enter the entire name of the party. Simply input the first

two letters and the system will show all names beginning with the letters you entered.

- b) If the party is a person, type in his or her last name. If it is a business or other entity, type in the name. For a business or other entity, enter the business name in the **Last/Business Name** field.
- c) Click **Search**. If the name of the party you wish to add is on the list, click on their name to highlight it and then click **Select Party**.
- d) If, after searching for a party the system finds no matches or no one on the list matches the party you wish to add, click **Create New Party**. This will bring up the party information screen.
 - The system will automatically enter the last name field with the name for which you searched. If the party is a person, enter his or her first name, middle name, and generation (if applicable). If the party is a business, agency or other entity, do not fill in a first or middle name. Enter the full name of the business or other entity in the last name field.
 - Do not fill in an address, phone number or email address for any party.
 - As a default setting, the system lists the role of a new party as defendant. If this is not correct, click on the drop-down arrow for the role field. Scroll through the list until you find the correct party type and click on it.
 - Click **Add Party**.
- e) You will be returned to the select party screen. Select the party against whom you are filing by clicking on their name. Click **Next**.

6. Jury Demand

You have the opportunity to update the jury demand information. If your answer includes a jury demand select Yes. If not, select No, then click **Next**.

7. Disclosure Statement Filed?

The system will ask if you have filed a disclosure statement pursuant to Local Rule 103.3.

When filing an initial pleading or promptly after learning of the information to be disclosed, counsel must file a statement (separate from any pleading) containing the corporate affiliation and financial interests in the outcome of the litigation (see Local Rule 103.3 for more information). If a disclosure statement is not filed with the answer, a deficiency notice will be issued when the Clerk's Office performs its quality control review.

Select either Yes or No and click **Next**. Refer to [Disclosure of Corporate Interest](#) § IV.K for instructions on how to file a Disclosure of Corporate Interest.

8. Docket Text

The system will display the text of the docket entry that will be made. You may modify the text only in the first two blank fields. If you need to modify the third field, you must select items from the drop-down menu. When the docket entry is in final form, click **Next**.

9. 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. This page will also provide the name of your attachment and the number of pages.

This is the "point of no return!" If you are sure you want to file the document with the docket entry text displayed, click **Next**.

10. Notice of Electronic Filing (NEF)

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 and 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.

11. New Party Summons Needed

If you added a party for whom a summons must be issued, you must prepare the summons and electronically file it using the event **Notice (Other)**.

You will have the opportunity to add language after you attach your summons. In the free text box you should add: **“For the clerk to issue summons.”**

You may also hand deliver your summons to the Clerk’s Office for issuance. The Clerk’s Office will issue the summons, scan it, file an electronic copy, and return the paper copy to you for service.

E. Appeals

1. Filing

A Notice of Appeal should be filed electronically as with any other document, but it should not be filed prior to a judgment being filed. Click **Civil** on the blue menu bar, then click **Appeal Documents**. It is not necessary to provide the Clerk’s Office with paper copies of the notice for service on the other parties.

The Notice of Electronic Filing constitutes the copy the Clerk’s Office is required to serve under Fed. R. App. P. 3(d).

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

2. Fees

Payment of the appellate filing fee can be done through the Pay.gov website. See [Pay.gov Instructions](#) § III.C.4. If you do not pay online through Pay.gov, the fee must be remitted to the Clerk’s Office within 24 hours (excluding weekends, legal holidays, and days the Court is closed) of filing the Notice of Appeal.

If you are filing a Motion for Leave to Appeal in Forma Pauperis, it should be electronically filed immediately after filing the Notice of Appeal.

3. Briefs

If you are appealing to the United States Court of Appeals for the Fourth Circuit or to the Federal 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.

F. Bankruptcy Cases

1. Appeals, Motions for Leave to Appeal, and Motions for Withdrawal of Reference

Notices of appeal, motions for leave to appeal, and motions for withdrawal of reference should be filed in the bankruptcy court in the format being used by that court for the particular case involved.

2. Designation of Record

The designation of record should be filed in the bankruptcy court in the format being used by that court for the particular case involved. The bankruptcy court will transmit all designated items to the district court and the parties are not required to submit additional copies unless requested by the bankruptcy court.

Electronic documents in the bankruptcy case will be transmitted electronically from the bankruptcy court to the district court. If the bankruptcy case consists of paper documents, the bankruptcy court will convert the paper case documents to electronic format before transmitting to the district court. However, transcripts, bound materials, and exhibits in paper format will be transmitted by paper from the bankruptcy court to the district court.

3. Filings After the Case is Transmitted to District Court

Unless the case is exempt from electronic filing by order of the presiding judge, any filing made directly to the district court should be in electronic format and in accordance with this Court's electronic filing procedures.

Once a district court case using electronic filing has been opened, any documents which by federal or local rule are required to be filed in the bankruptcy court and then transmitted to the district court, are to be filed in both courts by the parties. The documents must be electronically filed in the district court and filed in the bankruptcy court in whatever format is being utilized for the bankruptcy case.

G. Bills of Costs

The following CM/ECF events are related to filing a bill of costs and they are listed in their order of use.

Note: Motions for Attorney's Fees should be filed separately using the **Motion for Attorney's Fees** event.

1. Bill of Costs

Use this event to file the bill of costs. All documentation, explanatory memoranda, and affidavits should be provided as attachments in the same event.

2. Response in Opposition to Bill of Costs

Use this event when a non-taxing party does not agree with the submitted bill of costs. An opposition memorandum and any supporting documentation should be provided as attachments in the same event.

3. Reply to Response in Opposition to Bill of Costs

Use this event when the taxing party files a response to an objection. A memorandum and any supporting documentation should be provided as attachments in the same event.

4. Motion to Review the Clerk's Order Taxing Costs

Use this event to file the motion for review by the presiding judge. A supporting memorandum should be provided as an attachment in the same event.

H. Certificate of Service

When you are required by statute, federal rule, or local rule to serve a document other than original process on a party who is not a registered CM/ECF user, you must serve it in accordance with Fed. R. Civ. P. 5 and electronically file a Certificate of Service with the Clerk's Office. However, a Certificate of Service is not required when the document is served electronically through CM/ECF as to all parties. See Local Rule 102.1.c.

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 Clerk's Office 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 even if the other attorney is not a registered user of CM/ECF.

Pro se parties must be served by paper as they usually are not 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 who copies were mailed to (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 using the [standard filing procedure](#).

2. As a Separate Document

If you will not know whether a party will be electronically noticed until after you file your document and see the Notice of Electronic Filing (NEF), you can create and file a separate notice of service. A sample Certificate of Service is available at <http://www.mdd.uscourts.gov/forms/all-forms/civil>.

- Create a Certificate of Service in your word processing program and convert it to PDF.
- To file the Certificate of Service, click on **Civil, Service of Process**, and choose **Certificate of Service** from the drop-down menu.

I. Correspondence

The main civil menu contains a category for correspondence. The events in this category include requests for conferences, hearings, extensions of time, etc.

Judges also will use the CM/ECF system to send routine correspondence to counsel.

J. Cross-Claims, Counterclaims, and Third-Party Complaints

The system allows for the filing of cross-claims, counterclaims, and third-party complaints as separate documents.

To file these documents, follow the general instructions under [Answers](#).

K. Disclosure of Corporate Interest

Use the following instructions for filing a Disclosure of Corporate Interest, required under Local Rule 103.3. The Disclosure of Corporate Interest is available on the website at <http://www.mdd.uscourts.gov/forms/all-forms/civil>.

- 1) Click **Civil** on the top menu bar.
- 2) The system will display the **Civil** events screen. Click on **Other Documents**, then **Local Rule 103.3 Disclosure Statement**. Click **Next**.
- 3) You will be prompted to enter the case number. Click **Find This Case**. If necessary, select the appropriate case number. Click **Next**.
- 4) The system will now allow you to attach your Local Rule 103.3 statement. Please refer to the [standard filing procedure](#) § III.B.6 if you need further instructions on how to attach a document.
- 5) The system will display the **Select Filer** screen. Click on the name of the party on whose behalf you are filing the Local Rule 103.3 Disclosure Statement.
- 6) A message will appear **Add Corporate Parent and/or Corporate Affiliate(s)**. Click **Next**.
- 7) On the “**search for a corporate parent or other affiliate screen**,” enter the corporate parent in the **Last/Business name** field. Click **Search**. This search screen will allow the user to search for the corporate parent or affiliate, or add a new one.
- 8) If the party is not found in the database, click **Create New Corporate Parent or Other Affiliate**. Verify the spelling of your corporate parent and select the appropriate **Type**. Click **Add corporate parent or other affiliate**.
- 9) After a corporate parent or affiliate has been selected, you will be prompted to select the party or parties to which the corporate parent or affiliate is to be linked. Select the correct party and click **Next**.
- 10) You may add additional corporate parents and/or affiliates without limit. Repeat steps 7 through 9 for each corporate parent or other affiliate listed on your Local Rule 103.3 disclosure statement.
- 11) When you have finished adding all of the corporate parents or other affiliates, click **End corporate parent or other affiliate selection**. The system will also show a preview of the previously added party.

12) The system will display a verify case number screen. Click **Next**.

13) Up to this point, no information has been entered into the system and no notice has been sent to any party. If you decide you do not wish to file the document, simply log out of the system. If you wish to change something, click on your browser's **Back** button until you reach the point where you wish to make the change. However, if you are sure you want to file the document with the docket entry text displayed, click **Next**.

L. Discovery

CM/ECF should not be used for filing routine discovery requests, responses, or Rule 26(a) disclosures. See Local Rule 104.5. Notices or Certificates of Service of discovery materials should also not be filed with the Clerk's Office.

Procedures for electronic filing of other documents related to discovery are outlined below.

1. Motion for Leave to Take Deposition

If by statute, rule, or court order, Court approval is required before taking a deposition, you may file a Motion for Leave to take deposition.

Choose **Motions** from the main civil menu and select **Take Deposition**.

Follow the [standard filing procedure](#).

2. Motion to Compel Discovery

(No response has been received by a party concerning deposition questions or the request was directed to a non-party)

1) From the **Civil** menu click **Motions**, then choose **Compel**. Follow the [standard filing procedure](#), except as below in steps 2 and 3.

2) After selecting your motion, be sure to attach your Local Rule 104.7 certification. If the certification is not attached, the Court may direct your motion be marked "filed in error" and not consider it.

3) When you reach the Modify Docket text screen, type in **Discovery** and any additional information you want to include in the docket entry.

3. Motion to Compel Discovery

(A response has been received from a party but is not considered satisfactory)

If a party who has propounded interrogatories or requests for production is dissatisfied with the response to them and has been unable to resolve informally (by oral or written communications) any disputes with the responding party, that party must serve a motion to compel within thirty days of the party's receipt of the response.

The memorandum in support of the motion must set forth, as to each response to which the motion is directed, the discovery request, the response thereto, and the asserted basis for the insufficiency of the response. The memorandum must be succinct and need not include citation to legal authorities unless such citation is necessary in order to understand the issues presented.

The opposing party must serve a memorandum in opposition to the motion within fourteen days thereafter. The moving party must serve any reply memorandum within fourteen days thereafter.

The parties must **serve motions and memoranda under L.R. 104.8 in accordance with Fed. R. Civ. P. 5(a). However, neither motions nor related notices of service of these motions should be served through this Court's electronic filing system or filed with the Clerk's Office.** Extensions of time given by the parties to one another to serve any discovery document need not be approved by the Court, provided that no extension of time limits set in any scheduling order entered by the Court are made without the Court's prior approval.

If the dispute is not resolved by the conference required by Local Rule 104.7, the party seeking to compel discovery may present the remaining issues to the Court for resolution by first filing a 104.7 Certificate as follows:

- 1) From the **Civil** menu click **Other Documents**, then choose **Local Rule**.
- 2) Enter your case number.

- 3) Docket the Local Rule 104.7 certificate as your main document.
- 4) Docket any motion and memorandum previously served by the parties under Local Rule 104.8 as an attachment to the main document, Local Rule 104.7 certificate.
- 5) Type **104.7 Certificate** in the **Local Rule** text box.
- 6) Click **Next** to complete the filing.

M. Entering an Appearance

Attorneys can enter their own appearances in civil cases using the following steps.

- 1) Click **Click** on the top menu, then under **Other Filings** click on **Notices**.
- 2) Under Available Events click on **Notice of Appearance**, then click **Next**.
- 3) Enter your case number and click **Next**.
- 4) Attach your Notice of Appearance form, which can be found [here](#). If needed, attach any other necessary documents followed by clicking **Next**.
- 5) Select the party or group that you represent, then click **Next**.
- 6) Leave the default boxes checked, unless you are the lead counsel, which you would then check the box marked **Lead**, then click **Next**.
- 7) Click **Next**.
- 8) Click **Next**, understanding that this will finalize entering the notice.

N. Ex Parte Matters

Documents may be filed ex parte, meaning the documents can be by attorneys for the filing party and this Court but cannot be viewed by (1) attorneys for other parties (unless selected by the filer as an ex parte recipient), (2) members of the public using a public terminal in the Clerk's Office, or (3) PACER users.

There are two ways to file a document ex parte.

1. Option 1

- a) Click **Civil** on the top menu bar, then click **Notices**.
- b) Select **Notice of Filing of Ex Parte Document**.
- c) Follow the [standard filing procedure](#).

2. Option 2

- a) Click **Civil** on the blue menu bar, then click either **Motions** or **Responses and Replies** as appropriate.
- b) 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
- c) After selecting the ex parte event, you must also select the appropriate motion, response, or reply.
- d) Be sure the ex parte event appears as the first event in the list of selected events.
- e) Click **Next**.
- f) Follow the [standard filing procedure](#).

O. Memoranda

A memorandum in support of a motion should be filed as an attachment to the motion. Detailed instructions for attaching a document are in the [standard filing procedure](#). After you attach the memorandum, enter its title in the Description field.

If the memorandum relates to more than one motion, it is not necessary to attach the memorandum to each motion. Simply attach it to the first motion.

If the motion and memorandum are a single PDF document, file it as a motion and when you edit the docket text, add “**and Memorandum in Support.**”

If you forget to attach the memorandum or it is being filed at a different time as the motion, click **Responses and Replies** and choose **Memorandum** from the drop-down menu.

Do not use the Motion event to file a memorandum.

P. Motions

To file a motion, follow the [standard filing procedure](#).

You may file a multi-part motion, such as a motion to dismiss and a motion for summary judgment by selecting the events **Dismiss and Summary Judgment**. Each selected motion will appear in the Selected Events field. If you select the wrong motion, simply click on that motion in the Selected Events field to remove it.

Exhibits, memorandum in support, and proposed orders must be filed as attachments to the motion.

Special procedures where Local Rule 105.2.c applies:

- The party filing the initial motion for summary judgment should follow the procedures set out above.
- The party filing a cross motion and memorandum in support of its motion and in opposition to the initial motion should file the motion.

- Attach to it the memorandum. In the Description field, type in “memorandum in support of cross motion for summary judgment and in opposition to Plaintiff or Defendant’s motion for summary judgment” or similar language.
- The party filing the initial motion should file its response/reply as a response to the cross motion.
- If the party who filed the cross motion wishes to file a reply, it should be filed as a reply to response to motion.

Filing a motion will automatically trigger the setting of a 14-day deadline for filing a response. See Local Rule 105.2.a and Fed. R. Civ. P. 6. **If a different deadline has been established by court order, it is the deadline in the order that controls.**

Q. Patent Cases

Effective July 1, 2011, the Local Rules of this Court include new rules regarding patents (see Local Rules 801 – 807). The following events have been created in light of these amendments, with the appropriate rule number listed next to the related event:

- Motion for Stay Pending Re-examination (L.R. 807)
- Joint Claim Construction Statement (L.R. 805.1.f, L.R. 805.2.e, L.R. 805.3.e, L.R. 805.4)
- Opening Brief (L.R. 805.1.g, L.R. 805.2.f, L.R. 805.3.f, L.R. 805.4)
- Responsive Brief (L.R. 805.1.h, L.R. 805.2.g, L.R. 805.3.g, L.R. 805.4)

R. Pro Hac Vice Motion

A motion to appear pro hac vice **must** be filed electronically. The Court will no longer accept these motions in paper format, except in sealed and multidistrict litigation (MDL) cases. Additional information about, and instructions for filing for, pro hac vice admission is available on the Court’s website at <http://www.mdd.uscourts.gov/pro-hac-vice-admission>.

Except in sealed and MDL cases, the filing fee must be paid online using Pay.gov. In sealed cases only, payment can be made by mail or in person at the Clerk's Office at the time of submitting the paper motion. There is no fee for pro hac vice admission in MDL cases

If the motion is granted, the attorney will be instructed to register for a login and password. The attorney may use the login and password only in the particular cases where the attorney has been admitted pro hac vice and these CM/ECF credentials remain active only while the case remains pending, including while on appeal.

S. Proposed Orders

If you are submitting a proposed order along with a motion, the proposed order should be filed as an attachment to the motion. It is very important the proposed order be a separate PDF.

If you are submitting a proposed order without a motion, such as a joint proposed confidentiality order, select **Notices** from the main **Civil** menu, then click **Notice (Other)** on the drop-down menu.

T. Redacted Documents

Similar to a sealed document, if you are filing a redacted document and an unredacted version of a document, prepare both documents.

In the caption of the redacted version, on the right side - either directly above or below the case number - one of the following should appear in all capital letters and in bold: "**REDACTED**" or "**REDACTED VERSION.**"

If a document is to be redacted, (for example, a memorandum containing personal identifiers in only one section):

- 1) File the redacted version of the document using the event, **Redacted Document**.
- 2) File the unredacted version using the event, **Unredacted Document**. This document WILL NOT be sealed but only case participants will have access to it.

U. Removals

As of May 30, 2018, removal actions may be filed electronically. The following directions explain how to prepare your state court materials for electronically filing a new removal action.

- 1) Scan any state court documents being filed which do not exist in electronic format. Each document **must** be scanned separately. Any single scanned state court document that is excessively lengthy (more than 30 megabytes) should be treated as a lengthy document. See [Lengthy Documents](#) § III.A.4.
- 2) Open the civil case electronically and docket the notice of removal as the lead event. See Civil Case Opening Procedures § IV.B. All state court documents must be properly labeled and filed as separate attachments to the notice of removal. If, after filing the case, you realize a mistake was made, contact the Clerk's Office to notify it of the error so that corrective action may be taken to rectify the problem. Do not attempt to open another case.

V. Responses and Replies

1. Response to a Motion

To file a response to a motion, follow the [standard filing procedure](#). Choose **Responses and Replies** from the main **Civil** menu and then select one of the following events, as appropriate:

- Response
- Response in Opposition to Motion
- Response in Support of Motion
- 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 other document.

Reminder:

- Responses to motions and subsequent replies must be linked to the [motion](#).
- Surreplies cannot be filed without leave of court.

2. Reply to a Response to a Motion

To file a reply to a response to a motion, follow the [standard filing procedure](#). Choose **Responses and Replies** from the main **Civil** menu and then select **Reply to Response to Motion**.

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**. Continue as you would for filing any document.

3. Surreply

A surreply is not permitted to be filed without leave of court. See Local Rules 105.2.a. Therefore, before a surreply can be filed, you must:

- a) File a **Motion for Leave to File Document** using the [standard filing procedure](#).
- b) Attach the motion as the main document.
- c) Attach the proposed surreply as an attachment.

If the Motion for Leave to File Document is granted, the Court will file the proposed surreply.

W. Return of Service

When an executed summons or waiver of service is docketed, CM/ECF will automatically enter the date an answer is due, based upon the date service was made and using the default settings of 21 or 60 days. If a different amount of time in which to answer is permitted by statute, rule, or court order for the case, the date set by CM/ECF may not be accurate. Additionally, if the date of service is not entered correctly, the date set by CM/ECF will not be accurate. The date an answer is due under a statute,

rule, or order supersedes any date listed on the docket;
therefore, **reliance upon the date set by the system does not excuse a late filing.**

The following variations to the [standard filing procedure](#) will occur when you are filing an executed return of service:

- A return of service should be filed by counsel, not submitted directly to the Court by a private process server. The only occasion when a return is filed directly with the Clerk's Office is if the U.S. Marshal was directed to make service.
- A return of service is almost always in paper format and will need to be scanned. It is the responsibility of the filing party to maintain the original paper version at least until the conclusion of any appeal or expiration of the time for filing an appeal. The original paper version must be made available for inspection at the request of this Court or any other party.
 - If you are filing a return for a party who was served with a 21 day summons, choose the event, **Summons Returned Executed.**
 - If you are filing a return for a party who was served with a 60 day summons, choose the event, **Summons Returned Executed as to USA.**

After selecting the filing party, select the party who was served.

You will then be prompted to enter the date of service.

You should not enter the date the answer is due.

Click **Next** and proceed as you would to file any other document.

X. Sealed Civil Documents

This section applies only to sealed **documents**; sealed cases must continue to be filed in paper format and accompanied by a PDF version on a CD, along with a cover letter. See [Electronic Filing in Civil Cases](#) § IV.A.

Sealed documents may be filed in unsealed cases. While docketing, you may be prompted to indicate whether the documents you attach should be sealed or unsealed.

However, **unless there is already a Protective Order or an Order to Seal which allows this specific document to be sealed, you will also need to file a Motion to Seal this document.**

Because your filing may include more than one document, one of the following situations will apply:

- No document needs to be sealed.
- All documents should be sealed.
- Some documents should be sealed; some documents should be unsealed.

If no document needs to be sealed, click the **Unsealed** radio button, and then click **Next**.

Please note that any document which is initially filed as an unsealed document may be publicly available, even if it is sealed at a later time.

If one or more documents should be sealed, follow the instructions below.

1. Prepare Sealed Document(s)

In the caption, on the right side, either directly above or below the case number, one of the following should appear in all capital letters and in bold: **“SEALED”** or **“FILED UNDER SEAL.”** If the document is an exhibit which does not bear the case caption, one of these phrases should appear prominently on the upper right side of the document.

While it is acceptable to put red seals on documents, keep in mind seals can mean things other than the fact that a document is being filed under seal. Therefore, a seal in and of itself is not sufficient to flag a document as sealed.

If you would like to seal all the documents for this filing, follow the instructions below for **All Documents Should be Sealed**. Otherwise, if you would like some documents to be sealed and some to be unsealed, follow the instructions below for **Main Document Should be Unsealed; One or More Attachments Should be Sealed**.

2. All Documents Should be Sealed

Select the same event you would use if the document(s) did not need to be sealed. However, when prompted to indicate whether the document should be sealed or unsealed, click the Sealed radio button, then click **Next**. Unless there is already a Protective Order or an Order to Seal which allows this specific document to be sealed, you will be required to file a Motion to Seal this document. The Motion to Seal must be filed immediately after filing the sealed document.

The document(s) will be temporarily placed under seal until a ruling is made on the request to seal.

Example: You are filing a response in opposition to a motion. Select the event **Response in Opposition to Motion**. If you want to seal the response and attachments (if any), select **Sealed** when prompted. Whenever "Sealed" is selected, the screen below will then be displayed.

3. Main Document Should be Unsealed; One or More Attachments Should be Sealed

In this example, assume you are filing a reply to a response to a motion. You have decided the reply does not need to be sealed, but Exhibit A should be sealed. **Your filing will occur in two parts.**

a. Part A

- 1) File the unsealed document (the main document) by selecting the same event you would use if none of the documents needed to be sealed.
- 2) In place of the sealed document (i.e., Exhibit A), complete the Notice of Filing Exhibit or Attachment Under Seal as a placeholder for the sealed document(s). Attach it as an attachment to the main document.
- 3) When prompted to indicate whether the document should be sealed or unsealed, click the **Unsealed** radio button, then click **Next**.

Example: Select the event **Reply to Response to Motion**. Attach the reply. Instead of attaching the sealed exhibit, complete and attach the **Notice of Filing Exhibit or Attachment Under Seal**. When prompted, click the **Unsealed** radio button.

b. Part B

- 1) After filing the unsealed document(s) and the placeholder(s) as explained above, file the sealed document(s) by using the event **Notice of Filing Exhibit or Attachment Under Seal**. (Click **Civil** on the top menu bar, then click **Notices**, then select **Notice of Filing Exhibit or Attachment Under Seal**).
- 2) Attach the sealed document(s). The document will be automatically sealed. Electronic access to sealed documents is limited to specific court users that have sealed access.
- 3) **Unless there is already a Protective Order or an Order to Seal which allows this specific document to be sealed, you must also file a Motion to Seal this specific document.** The Motion to Seal must be filed immediately after filing the sealed document.

Example: Select the event **Notice of Filing Exhibit or Attachment Under Seal**. Attach Exhibit A (your sealed document). The document will be automatically sealed, so you will not be prompted to select **Sealed** or **Unsealed**.

4. Procedures Applicable to All Sealed Documents

At the same time of, 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 Civil Procedure. Service may be made in paper format or in any other format/means agreed to by the parties. Your court filing must include a Certificate of Service reflecting service by other means if electronic service through CM/ECF is not used. See [Certificate of Service](#) § IV.H.

Any document filed under seal must be accompanied by a courtesy copy for chambers. See [Courtesy Copies](#) § III.C.2. **Documents filed under seal will not be served through CM/ECF because parties do not have access to sealed documents.**

Y. Surreply

For information on surreplies, please refer to [Response and Replies](#) § IV.V.

Z. Transcripts

For availability of transcripts and redaction of transcripts, please refer to the Transcripts Requests page on the Court's website at <http://www.mdd.uscourts.gov/transcript-requests>.

V. ELECTRONIC CASE FILING CRIMINAL PROCEDURES

A. Electronic Filing of Criminal Cases

1. Criminal Cases Subject to Electronic Filing

Pursuant to Local Rule 202.1 and unless otherwise ordered by the presiding judge, electronic filing is required for all documents filed on or after August 8, 2008 (or November 1, 2012 in CVB cases), in all covered cases. Electronic filing is to be used in the following criminal cases:

- 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; and
- all CVB (traffic and misdemeanor) cases filed on or after November 1, 2012.

2. Documents Subject to Electronic Filing

Except for "come-up memos," requests for pre-plea record checks, and documents in sealed cases, all documents filed by counsel in a criminal case subject to electronic filing (except lengthy documents as explained under [Lengthy Documents](#) § III.A.4.) are to be filed electronically. Documents filed in those cases prior to August 8, 2008, need not be electronically refiled unless otherwise ordered by the presiding judge.

3. Requesting an Exemption from Electronic Filing

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

4. 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. Submissions should be on both CD (as separate PDF documents of all items to be filed) and accompanied by the original paper copy of the same documents, which will then be submitted to the presiding judge.

All documents filed by counsel in a criminal case subject to electronic filing (except length documents as explained under [Lengthy Documents](#) § III.A.4.) are to be filed electronically. Documents filed in those cases prior to August 8, 2008, need not be electronically refiled unless otherwise ordered by the presiding judge.

B. Appeals

1. Filing the Notice of Appeal

a. Select Event

A Notice of Appeal should be filed electronically using the [standard filing procedure](#), except as outlined below. It is not necessary to provide the Clerk’s Office 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’s Office is required to serve under Fed. R. App. P. 3(d).

- 1) On the top 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.”)

2) Select the appropriate appeal event:

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

3) Click **Submit**.

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

b. Attach Documents

1) When prompted, click **Browse** to attach your appeal PDF document. If there are attachments to the document, attach them also. Please refer to [Standard Electronic Filing Procedure](#) § III.B.6 for detailed instructions on how to file documents.

2) Click **Next**.

c. Select the Order Being Appealed

1) 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**.

2) Select the Order/Judgment you are appealing. Click **Next**.

3) Depending on which appeal event you select, a screen for the **Appeal Record Deadline** 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.

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.
- 2) Click **Next** three times.
- 3) 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**.
- 4) 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.

Note: 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 [Pay.gov Instructions](#) § III.C.4 for more details regarding how to enter your payment.

2. Filing Appellate 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.

C. CJA Appointment Filings

1. CJA 20/21 Forms

Upon appointment, a link is created in eVoucher from which counsel can create CJA 20 and 21 vouchers. Additional information about eVoucher usage is available on our website at <http://www.mdd.uscourts.gov/evoucher>.

Within 45 days of the entry of judgment, completed CJA 20 and CJA 21 vouchers, with supporting documentation attached, must be submitted through eVoucher.

2. CJA 30/31 Forms

Upon appointment, a link is created in eVoucher from which counsel can create CJA 30 and 31 vouchers.

Once a budget has been approved by the presiding judge, counsel may submit interim vouchers on a monthly basis. Within 45 days of the entry of judgment, completed CJA 30 and CJA 31 vouchers must be submitted with the required supporting documentation via eVoucher.

3. Budget Materials

Case budgets should be submitted to the CJA Coordinating Attorney

After approval by the presiding judge and the Chief Judge of the Circuit, the Clerk's Office will file these documents under seal and they will not be viewable by the parties or the public.

Requests for funding for experts and other service providers should be filed via an AUTH in eVoucher. After approval by the presiding judge, the Clerk's Office will file these documents under seal and they will not be viewable by the parties or the public.

4. 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.

5. 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 will be sealed.

6. CJA 24

This form is not filed electronically in CM/ECF.

D. 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 motions to seal;
- superseding indictments;
- Rule 20 transfers;
- juvenile proceedings; and
- 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, 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.

E. Discovery

All discovery motions are to be electronically filed in accordance with the [standard filing procedure](#).

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

- From the top menu bar, click **Criminal**. Select **Discovery Documents**, under **Other Filings**. The Available Events screen will appear. Select **Discovery Material**.
- Follow the [standard filing procedure](#).

F. Entering an Appearance

When filing a Notice of Attorney Appearance, follow the [standard filing procedure](#), except as follows. A blank Entry of Appearance form for criminal cases is available on our website at <http://www.mdd.uscourts.gov/forms/all-forms/attorney>.

1. Select Event

- a) Click **Criminal**, then under **Other Filings**, click **Notices**.
- b) If you are filing on behalf of the defendant, select **Notice of Attorney Appearance – Defendant** from the list of Available Events.
- c) If filing on behalf of the government, select **Notice of Attorney Appearance - USA**.
- d) Your selection will appear in the Selected Events field.
- e) Click **Next**.

2. Add PDF Documents

During the course of the filing, a screen titled **Notices** will appear. The screen may vary based on whether you are filing on behalf of the defendant or the government. When this screen appears, you should attach your **Notice of Attorney Appearance**.

3. Designation Status

- a) During the filing, the system will display a designation status screen. (If filing on behalf of the government, you will not get this screen).
- b) Select the appropriate attorney type and click **Next**
- c) Continue with the [standard filing procedure](#).

G. 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.

1. Ex Parte Filing Options

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**.

- **Option 1:** Using 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) and will not 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.
- **Option 2:** 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 will only be viewable by the filer and any party the filer selects; the document will not be viewable to the public or through PACER.

2. Filing Procedures

- a) From the top menu bar, select **Criminal**, then under **Motions and Related Filings**, select **Motions** or **Responses and Replies** (based on what document you are filing).

- b) Enter your case number. Click **Find this case**, then select the appropriate case (if more than one case displays). If there are multiple defendants in the case, click the box next to the main case number to **file the document in the case as a whole** OR click the box next to the individual defendant you represent to **file the document only as to the single defendant's case**. Click **Next**.
- c) 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 top menu bar and start over again.
- d) Select one of the following ex parte events
 - 1) **Option 1 Event:** 1 – Exparte Docket Entry AND Document – to be used ONLY in conjunction with other selection – to restrict access to both the docket entry and the document
 - 2) **Option 2 Event:** 1 – Exparte Document – to be used ONLY in conjunction with other selection – to restrict access to only the document
- e) After selecting the ex parte event, you must also select the appropriate motion, response, or reply. After your selection, the **ex parte event appears as the first event in the list of selected event** and then the type of document you are filing (motion, response, or reply).
- f) Click **Next**
- g) You will be prompted to select a filer as follows:
 - 1) If filing on behalf of the **United States**, on the right side of the screen, select **USA [pla]**.
 - 2) If filing on behalf of a **single defendant**, select that defendant's name.
 - 3) If filing on behalf of **multiple defendants**, select the first defendant, hold down the CTRL key, and then select each additional defendant.
- h) Click **Next**.

- i) Select the parties to the case who should have access to this docket entry and or document. Do not forget to select yourself in addition to any other party you wish to have access
- j) Attach your document and complete the filing by following the [standard filing procedure](#).

H. Responses and Replies

1. Response to a Motion

To file a response to a motion, follow the [standard filing procedure](#). Choose **Responses and Replies** from the main **Criminal** menu and then select one of the following events, as appropriate:

- Response
- Response in Opposition to Motion
- Response in Support of Motion
- 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 other document.

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

2. Reply to a Response to a Motion

To file a reply to a response to a motion, follow the [standard filing procedure](#). Choose **Responses and Replies** from the main **Criminal** menu and then select **Reply to Response to Motion**.

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**. Continue as you would for filing any document.

I. Rule 17 Subpoenas

Counsel will electronically file this document using the **Request for Rule 17 Subpoena** event by clicking **Criminal** on the top 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 to all parties.

The subpoena will be processed by the Clerk's Office according to the request.

J. Sealed Criminal Document Procedures

The following procedures apply to all sealed criminal 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 specify 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 Clerk's Office**. 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 the U.S. Attorney's Office with a copy.

2. Unsealed 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.

However, please 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 what documents from the hearing you would like to be sealed. It is not sufficient to say “all related documents.”

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

K. Sealed Criminal 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 will be temporarily placed under seal until this 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. Procedures explaining how to file these documents are below.

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 this 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. File the Motion to Seal

- a) From the top menu, click **Criminal**, then **Motions**
- b) Enter your case number and select **Seal (to Seal – requesting leave to file sealed materials)** from the list of events.
- c) 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.
- d) At the next screen, select whether the Motion to Seal should be filed under seal. By default, the text of the docket entry will appear on the public docket. You can choose if your motion to seal should be sealed or unsealed. Select either the **Sealed** or the **Unsealed** radio button.
 - 1) 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.
 - 2) 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.
- e) Complete the filing as described in the [standard filing procedure](#).

Please note that any document which is initially filed as an unsealed document may be publicly available, even if it is sealed at a later time.

2. File the Proposed Sealed Document(s)

- a) After you have completed filing your Motion to Seal, click **Criminal** on the top menu bar, then click **Other Documents**.
- b) Select the event **Proposed Sealed Document** from the list of events.
- c) When the screen to attach documents is displayed, attach your proposed sealed document(s).
- d) Complete the filing as described in the [standard filing procedure](#).

The main document and any attachments will be sealed.

L. 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 file a sentencing memorandum, click **Criminal** on the top 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, or a presentence investigation report, the filer should request that the sentencing memorandum and/or the attachments be filed under seal.

If you would like the Sentencing Memorandum to be sealed, refer to [Sealed Criminal Documents](#), § V.K.

After filing the Sentencing Memorandum in CM/ECF, counsel must send a paper copy of the Sentencing Memorandum to the Clerk's Office, who will forward it to Chambers. **Counsel must send the Sentencing Memorandum regardless of the number of pages.**

M. Traffic and Petty Offense Cases (CVB)

Beginning July, 2012 all new CVB cases in the District of Maryland were included in CM/ECF. New CVB cases are entered into CM/ECF approximately two weeks prior to the Initial Appearance date.

As of November 1, 2012, attorneys are required to electronically file the following in CVB cases:

- Motions
- Responses to motions
- Replies to responses to motions
- Correspondence
- All notices - including notices of appeal
- Waivers of initial appearance

When filing in a CVB case, you will be required to enter the case number (not the citation number).

1. Locate the Case Number

- a) Log into CM/ECF.
- b) Click **Query** on the top menu bar.
- c) Enter your PACER login and password when prompted.
- d) At the bottom of the screen, enter the defendant's last name and first name.
- e) Select **Party** as the Type.
- f) Click **Run Query**.
- g) The results will include the case number and name of the defendant you entered. All CVB cases will have a case type of either **PO** or **MJ**.

2. Entering an Appearance

Please use the following information to determine whether you need to enter an appearance in a CVB case:

a. SAUSAs (Special Assistant U.S. Attorneys for the District of Maryland)

SAUSAs do not need to enter appearances in CVB cases. Instead, attorneys should use the generic CM/ECF SAUSA account uniquely designated for each SAUSA location when filing in a CVB case for that location.

b. Members of the District of Maryland Bar

All members of this Court's bar must file a Notice of Appearance in each case. This applies also to members of the U.S. Attorney's Office and Federal Public Defender's Office who are also members of this Court's bar.

Refer to [Entering an Appearance](#) § V.F for instructions on entering an appearance.

c. All Other Attorneys

All other attorneys must enter an appearance after obtaining local CM/ECF credentials. Refer to the Special Appearances portion of the Court's website at <http://www.mdd.uscourts.gov/special-appearances> for additional information.

Members of the U.S. Attorney's Office or Federal Public Defender's Office for the District of Maryland who have previously obtained local CM/ECF credentials for criminal cases need not register for new credentials **but must still enter a new appearance in each case.**

Refer to [Entering an Appearance](#) § V.F for instructions on entering an appearance.

N. Criminal Electronic Filing Frequently Asked Questions

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, and any documents in sealed cases. Refer to [Electronic Filing in Criminal Cases](#) § V.A for more information.

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 will 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 must be sealed unless otherwise ordered by the presiding judge. Presentence reports (when they are placed in the record for appeal) also must be sealed unless otherwise ordered by the presiding judge. Requests for Rule 17 subpoenas will be restricted to court users only. Any document with a juror’s name must 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 will be under seal until the presiding judge rules upon the motion to seal. Refer to [Sealed Criminal Document Procedures](#) § V.J for more information.

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. Refer to [Sealed Criminal Documents](#) § V.K for more information.

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 memoranda are restricted to case participants and those using public terminals at the Clerk's Office, unless otherwise ordered by the presiding judge. Refer to [Sentencing Memorandum](#) § V.L for more information.

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 publicly 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. Refer to [Courtesy Copies](#) § III.C.2 for more information.

VI. TROUBLESHOOTING AND TECHNICAL ISSUES

Problem: The System Prompts You to Enter Your PACER Login and Password

Explanation: Each Notice of Electronic Filing (NEF) stating a document has been filed electronically contains a link to the document which you may use one time without charge to view, download, and/or print the document. 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.

Solution: To avoid this problem, do not forward an email notification to another email address, and do not open the email and close the NEF without using the link to view, download or print the document.

Problem: The Link to the Document in the NEF Does Not Work

Explanation: Frequently you will receive an NEF of docket activity, but you 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 this 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. Because the NEF is linked to the case management software, NEFs are also sent in cases that are exempt from electronic filing and there is no link to the document because it was filed in paper format.

Problem: The System Will Not Allow You to Attach a Document

Explanation: 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.

Solution: 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 it 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 as a PDF. You also may bring a CD with the document on it in Word or WordPerfect format to the Clerk's Office, convert it to PDF on one of the public terminals in the Clerk's Office, and file it from there. Unfortunately, court staff are unable to assist with document conversion.

VII. APPENDIX A: CIVIL EVENTS LIST

Answers to Complaints

- Answers to Complaints

Other Answers

- Amended Answer to Complaint
- Answer to Writ of Garnishment
- Claim
- Objection to Report of Recommendations
- Response to Opposition
- Response in Support
- Response to Order to Show Cause
- Withdrawal of Claim

Appeal Documents

- Amended Notice of Appeal
- Appeal of Magistrate Judge Decision to District Court
- Appeal Transcript Request
- Appellants Brief
- Appellants Reply Brief
- Appellees Brief
- Designation of Record on Appeal
- Notice of Appeal
- Notice of Cross Appeal
- Notice of Interlocutory Appeal

Complaints and Other Initiating Documents

- Amended Complaint
- Application for Writ of Garnishment
- Complaint
- Complaint for Forfeiture
- Counterclaim
- Crossclaim
- Fifth Party Complaint

- Fourth Party Complaint
- Intervenor Complaint
- Notice of Condemnation
- Petition for Writ of Habeas Corpus
- Petition to Enforce IRS Summons
- Petition to Quash IRS Summons
- Third Party Complaint

Correspondence

- Accepting Service
- Conference – requesting
- Correcting earlier submission
- Extension of Time – requesting
- Hearing/trial date – requesting
- Magistrate Judge – consent to
- Miscellaneous
- Report re: Deposition hours
- Settlement Conference – requesting
- Status Report Submitted
- Substantive legal issues – addressing

Other Documents

- 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
- Affidavit
- Amicus Curiae Appearance
- Application/Request for Writ
- Bill of Costs
- Bond
- Civil Case Filing Fee
- Final Accounting and Application
- Financial Affidavit
- Financial Affidavit – CJA 23
- Interpleader

- Jury Demand
- Local Rule
- Local Rule 103.3 Disclosure Statement
- Notice of Intent to Request Redaction
- Notice to Take Deposition
- Objections to Answer to Writ
- Proposed Social Security Scheduling Order
- Redacted Document
- Redacted Request – transcript
- Redaction Index
- Report of Expense
- Report of Rule 26(f) Planning Meeting
- Report of Sale
- Report on Filing Patent/Trademark
- Request by Court-Appointed Counsel for Reimbursement of Expense
- Request for Hearing
- Request for Writ (Post Judgement)
- Satisfaction of Judgement
- Sealed Document
- Settlement Agreement
- Status Report
- Stipulation
- Stipulation of Dismissal
- Suggestion of Bankruptcy
- Suggestion of Death
- Supplemental
- Transcript
- Transcript Request
- Unredacted Document

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
- Alter/Amend Judgment
- Alternative Service
- Amend/Correct

- Appeal in Forma Pauperis
- Appear
- Appoint Counsel
- Appoint Custodian
- Appoint Expert
- Appoint Guardian/Attorney ad Litem
- Appoint Receiver
- Approve Consent Judgment
- Attorney Fees
- Bifurcate
- Bond
- Certificate of Appealability
- Certify Class
- Change Venue
- Compel
- Consolidate Cases
- Continue
- Copy Work
- Declaration of Mistrial
- Declaratory Judgment
- Default – Clerk’s Entry of
- Default – Judgment
- Deposit Funds
- Directed Verdict
- Disbursement of Funds
- Disclosure
- Discovery
- Dismiss
- Dismiss Case as Frivolous
- Dismiss for Failure to State a Claim
- Dismiss/Lack of Jurisdiction
- Dismiss/Lack of Prosecution
- Disqualify Counsel
- Disqualify Judge
- Disqualify Juror
- Enforce
- Enforce IRS Summons
- Expedite

- Extension of Time
- Extension of Time re Transcript
- Extension of Time to Amend
- Extension of Time to Complete Discovery
- Extension of Time to File Answer
- Extension of Time to File Document
- Extension of Time to File Response/Reply
- File Excess Pages
- Forfeiture of Property
- In Limine
- Intervene
- Issuance of Warrant in rem
- Joinder
- Judgement
- Judgement as a Matter of Law
- Judgement Based on ADR Settlement
- Judgement Debtor Exam
- Judgement NOV
- Judgement of Forfeiture
- Judgement on Partial Findings
- Judgement on the Pleadings
- Judgement under Rule 54(b)
- Leave to Appeal
- Leave to File Document
- Letters Rogatory
- Limited Admission
- Miscellaneous Relief
- More Definite Statement
- New Trial
- Order of Sale
- Other Relief
- Partial Summary Judgement
- Permanent Injunction
- Preliminary Injunction
- Pro Hac Vice
- Pro Hac Vice – Corrected
- Proceed in Forma Pauperis
- Produce

-
- Protective Order
 - Quash
 - Reassign Case
 - Reconsideration
 - Recusal
 - Redact Transcript
 - Release of Bond Obligation
 - Release of Funds
 - Remand
 - Remand to Agency
 - Remand to Bankruptcy Court
 - Remand to State Court
 - Reopen Case
 - Return to Property
 - Review the Clerk's Order Taxing Costs
 - Sanctions
 - Seal
 - Seal Case
 - Service by Publication
 - Set Aside
 - Set Aside Default
 - Set Aside Forfeiture
 - Set Aside Judgment
 - Set Aside Verdict
 - Settlement
 - Sever
 - Shorten Time
 - Show Cause
 - Stay Pending Re-examination
 - Strike
 - Substitute Party
 - Summary Judgement
 - Take Deposition
 - Temporary Restraining Order
 - Transfer Case
 - Unseal
 - Unseal Case
 - Vacate

-
- Voluntary Dismissal
 - Withdraw
 - Withdraw as Attorney
 - Withdraw Reference
 - Writ of Habeas Corpus ad prosequendum
 - Writ of Habeas Corpus ad testificandum
 - Writ of Mandamus

Notices

- Certificate of Counsel
- Notice (Other)
- Notice Administrative Record
- Notice of Acceptance with Offer of Judgment
- Notice of Appearance
- Notice of Change of Address
- Notice of Filing Exhibit or Attachment Under Seal
- Notice of Filing Ex Parte Document
- Notice of filing of state court discovery material
- Notice of Hearing
- Notice of Lis Pendens
- Notice of Settlement
- Notice of Voluntary Dismissal
- Notice to Substitute Attorney

Responses and Replies

- 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
- Memorandum
- Replay to Response in Opposition to Bill of Costs
- Reply to Response to Motion
- Response
- Response in Opposition to Bill of Costs
- Response in Opposition to Motion
- Response in Support of Motion
- Response to Motion
- Responsive Brief

Service of Process

- Acknowledgment of Service
- Affidavit of Service
- Certificate of Service
- Request for Waiver of Service
- Service by Publication
- Summons Returned Executed
- Summons Returned Executed as to USA
- Summons Returned Unexecuted
- Trial Subpoena Returned Executed
- Trial Subpoena Returned Unexecuted
- Waiver of Service Executed
- Waiver of Service Unexecuted
- Writ of Attachment Issued
- Writ of Garnishment Executed
- Writ of Habeas Corpus ad Prosequendum Executed
- Writ of Habeas Corpus ad Prosequendum Unexecuted
- Writ of Habeas Corpus ad Testificandum Executed
- Writ of Habeas Corpus ad Testificandum Unexecuted

Trial Documents

- Joint Claim Construction Statement
- Opening Brief
- Pretrial Memorandum
- Proposed Exhibit List
- Proposed Findings of Fact
- Proposed Jury Instructions
- Proposed Pretrial Order
- Proposed Verdict
- Proposed Voir Dire
- Trial Brief

Certificate of Good Standing

- Request for Certif. of Good Standing

VIII. APPENDIX B: CRIMINAL EVENTS LIST

Appeal Documents

- Amended Notice of Appeal – Final Judgment
- 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

Correspondence

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

Discovery Document

- 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

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
- Petition on Probation/Supervised release-SEALED
- Pretrial Memorandum
- Proposed Protective Order
- Proposed Sealed Document
- Redacted Document
- Redacted Request – Transcript
- 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
- Supplemental 782 Materials
- Unredacted Documents
- Unredacted Probation Form 22
- Withdrawal of Motion

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
- Extension of Time to Surrender
- 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
 - Reduce Sentence
 - Reduce Sentence – USSC Amendment
 - 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 – Request leave to file sealed materials)
- Seal Case
- Separate Trial on Counts
- Service by Publication
- Set Aside Forfeiture
- Sever Defendant
- Shorten Time
- Show Cause
- Speedy Trial
- Stay
- Strike
- Substitute Attorney
- Suppress
- Take Deposition
- Transfer Case
- Travel
- Unseal Case
- Unseal Document
- Unseal Indictment
- Vacate
- Vacate (2255 Johnson Resentencing)
- Vacate (2255)
- Victim Rights
- Warrant
- Warrant for Arrest of Property
- Withdraw
- Withdraw as Attorney
- Withdraw Document
- Withdraw Plea of Guilty
- Withdraw Plea of Nolo Contendere
- Writ of Habeas Corpus ad prosequendum
- Writ of Habeas Corpus ad testificandum

Notices

- 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
- 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

Responses and Replies

- 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
- Memorandum in Opposition to Motion
- Memorandum in Support of Motion
- Reply to Response
- Response
- Response in Opposition
- Response in Support
- Response to Motion

Service of Process

- Affidavit in Support
- Application for Warrant
- Certificate of Service
- Judgment Returned Executed

- Receipt of Agreement to Forfeit Property
- Search Warrant Returned Executed
- Summons Returned Executed
- Trial Subpoena Returned Executed
- Warrant Returned Executed
- Writ of Habeas Corpus ad Prosequendum Executed
- Writ of Habeas Corpus ad Prosequendum Unexecuted
- Writ of Habeas Corpus ad Testificandum Executed
- Writ of Habeas Corpus ad Testificandum Unexecuted

Trial Documents

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

USAO Events

- Pretrial/Probation (Other) – USAO
- Statement of Charges – USAO
- Victim Impact Statements – USAO

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