

**UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NEW YORK**

**NextGen CM/ECF
User's Guide**

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Margo K. Brodie
Chief United States District Judge

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Clerk of Court

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

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Introduction

This Manual provides a general guide on how to use the Eastern District of New York's electronic document filing system, CM/ECF. Registration instructions are included. Electronic filing procedures are also available on our website <https://nyed.uscourts.gov>.

The Eastern District of New York ("EDNY") has an electronic database of cases. All filings, either by counsel or by the Court, are done electronically, except as detailed below. Paper documents will be filed only rarely; see judges' Individual Motion Practices and Rules: <https://www.nyed.uscourts.gov/judges-info>.

*Electronic Filing is Mandatory for All Attorneys
see Administrative Order No. 2004-08*

<https://www.nyed.uscourts.gov/court-info/local-rules-and-orders/general-orders>

Exceptions

Orders to Show Cause/TROs

Orders to Show Cause and Temporary Restraining Orders must be filed in hard copy, in person at the Clerk's Office, either in Brooklyn or Central Islip. An original and two copies of all filings, including attachments, must be filed. See page 6.

Hardship

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

Training

To schedule ECF training in Brooklyn, contact Evelyn Levine at 718-613-2312 or by e-mail at Evelyn_Levine@nyed.uscourts.gov

To schedule ECF training in Central Islip contact Lisa Florio at 631-712-6011 or by e-mail at Lisa_Florio@nyed.uscourts.gov

NextGen CM/ECF

As of October 9, 2018, the EDNY has installed NextGen CM/ECF which utilizes Central Sign-on through PACER. Instructions on registration and logging in through Central Sign-on are included in this guide.

Getting Started

E-filing Requirements

To file electronically, you will need the following:

1. **Adobe Acrobat** for converting documents to a PDF format. To obtain, contact any retail computer software vendor. Documents created in a word processing software, such as Microsoft Word or WordPerfect must be printed to PDF; that is, documents cannot be printed, signed, and scanned. An authorized filing made through a person's electronic filing account, together with the person's name on a signature block, constitutes the person's signature. *See* Fed. R. Civ. P. 5(d)(3)(C).
2. An internet browser such as **Mozilla Firefox, Chrome, Internet Explorer, or Safari.**
3. An internet connection.
4. E-filing registration for the EDNY through PACER, <https://www.pacer.gov>. See page .

Viewing Requirements

To view docket sheets or electronically filed documents, you will need the following:

1. An internet connection.
2. Adobe Acrobat Reader (free download available from www.adobe.com).
3. An internet browser such as Mozilla Firefox, Chrome, Internet Explorer, or Safari.
4. An upgraded PACER account through PACER, <https://www.pacer.gov>.

Registering for Access

You must register for E-filing access through PACER, at <https://pacer.gov>, following these steps:

1. PACER registration/upgrade
 - a. Register for a PACER account if you do not have one.
 - b. If you do have a PACER account and it was created before August 11, 2014, upgrade your PACER account at <https://www.pacer.gov>. Go to Manage My Account and click Upgrade. Choose Individual for Account Type.
2. E-filing request
 - a. Go to Manage My Account, click the Maintenance tab, click Attorney Admissions/E-file Registration.
 - b. For Court Type, choose District; for Court, choose New York Eastern District Court.
 - i. If you are already admitted to our court, click E-File Registration Only;
 - ii. If you are applying for admission to the EDNY, click Attorney Admissions and E-File;
 - iii. If you are applying to for leave to appear pro hac vice, click Pro Hac Vice.
 - c. Provide all required information. You will receive an email when we have approved your e-filing application.

E-Filing Basics

Login Screen

You may access NextGen CM/ECF on our website, <http://www.nyed.uscourts.gov>.

- Click on NextGen CM/ECF, then click Eastern District of New York CM/ECF NextGen – Document Filing System.
- Enter your PACER username and password.

Alternatively, you may access NextGen CM/ECF from PACER, <https://www.pacer.gov>.

- Click Manage My Account. Go to the Maintenance Tab, click Display Registered Courts. Select New York Eastern District Court; click Eastern District of New York CM/ECF NextGen – Document Filing System.
- Enter your PACER username and password.

How to File Documents Electronically

▸ Only documents in PDF format may be filed electronically. Once your document is in PDF format, click on Civil or Criminal, depending on your case, then click on the Event that best describes the document you are filing.

▸ You will be guided through your filing by a series of prompts, including a prompt for your case number. There may be drop boxes or free text boxes for the option of further describing the document being filed. Filing a document with supporting or opposition documents may be made with one electronic filing including attachments.

▸ Electronic filing, or viewing docket sheets, or viewing electronically filed documents can be done 24 hours a day, seven days a week.

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

Notices of Appearance

- During the first electronic filing an attorney makes after registering, NextGen CM/ECF may note that it does not have a link between the filing attorney and the filing party. NextGen CM/ECF will, at this point, allow counsel to make the link. Making a link between counsel and a party to a case will add counsel's name and address to the front of the docket sheet.
- Some events will not give counsel the option of linking themselves to a party. In these instances, you must file a Notice of Appearance. The filing of a Notice of Appearance will not only link your name to specific parties but will add your appearance to the docket sheet enabling you to receive e-mails when electronic filings are made, either by the Court or counsel.
- When electronically filing documents that add new parties to a case, such as an amended complaint, you will receive a prompt when to add them.
- After a *pro hac vice* motion is granted, the attorney must file a Notice of Appearance. During the e-filing of the Notice of Appearance, the attorney will see a prompt that reads "The following attorney/party associations do not exist for this case." There should be a check mark in the box at the beginning of the sentence so that an association between the attorney and the party represented can be created. Under *no* circumstance should the check mark be removed on the "Notice" box.

Notice of Electronic Filing

- Counsel may receive individual e-mails every time there is an activity on one of your cases, or counsel may receive one summary e-mail, daily, which lists all activity that transpired the day before in all of your cases.
- Upon completion of an electronic filing the last screen you see is a Notice of Electronic Filing ("NEF") screen. This screen will tell you, among other things, the document number assigned to your document; will contain your electronic file stamp; and, at the bottom of the page, will notify you that a notice will be, or will not be, electronically mailed to counsel. If a notice will not be electronically mailed to counsel you are required to mail a hard copy of the filed document to said party. See page for a sample of Certificate of Service that should be attached to your electronic filing.

File Size

- The current limit for a PDF to be uploaded is 20 megabytes. If your document exceeds that size, you are presented with this message: "You cannot load this file, it is over 20 MB. To continue, divide the document into separate parts."

Document Numbers

- Document numbers on docket sheets that are underlined are hyperlinked to a document, and the document will appear in PDF format when double clicked. Document numbers without the underline indicate that the document was filed in hard copy and that it will not be viewable online. Please contact the Clerk's Office for documents.

Motion Filing

- For judges requiring motions to be fully briefed before filing, it will be the movant's responsibility to electronically file all documents, including their adversary's documents. The adversary shall provide movant with a PDF version of their opposing document(s). These

documents may be filed in one electronic filing, with attachments.

- Be sure to include a description of every attachment in the Description field.
- File the motion electronically with the supporting and opposing documents as the attachments. Please see the Individual Judge's Motion Practices and Rules.

Change of Firm/Address

- If your law firm affiliation or address has changed AND *if you are continuing to appear* on an active EDNY cases, you must e-file a **Notice of Change** in each such active case, pursuant to Local Civil Rule 1.3(d).
 - If your law firm affiliation or address has changed, you must change your information within your PACER account. Log into PACER, go to Manage My Account, click the Maintenance tab, click Update Personal Information or Update Address Information.
 - **Important Note:** Be careful to update only open cases when changing firm and address information.

Orders to Show Cause/Temporary Restraining Orders

- All orders to show cause and temporary restraining orders must be filed in hard copy in either the Brooklyn or Central Islip courthouse, pursuant to the Local Division of Business Rule 50.1(d).
 - Voluminous attachments may be submitted in PDF format on a CD, in addition to the required paper original and two copies.

Sealed or Restricted Documents

You must first file a motion for leave to file a sealed or ex parte document.

1. Use the motion event (leave to electronically file a sealed document or leave to electronically file an ex parte document).
 - a. The proposed sealed or ex parte document must be attached to the motion.
 - b. In civil cases, the document will be automatically sealed; in criminal cases, the docket entry and the document will be automatically sealed.
2. The Judge will file an order on the motion. The docket entry and any document in the order will be sealed.
 - a. If the motion is granted in a civil case, an NEF will be sent only to the filing party and court staff; if the motion is granted in a criminal case, an NEF will be sent only to court staff. The order will direct the filing party to refile the sealed or restricted document.
 - i. The filing party must now select one of the following: Sealed Document/Sealed Document and Docket Entry/Ex parte Document/Ex Parte Document and Docket Entry AND the correct event to refile the actual document.
 - b. If the motion is denied, the sealed entry will not be made public.

Scanned Documents

Scanned documents filed via NextGen CM/ECF must meet the following National Archives and Records Administration (NARA) specifications.

- Scanned images of textual records transferred to NARA must meet the following minimum

requirements for scanning resolution and pixel (bit) depth to support archival preservation and continued use.

- Bitonal (1-bit) scanned at 300-600 dpi. This is appropriate for documents that consist exclusively of clean printed type possessing high inherent contrast (e.g., laser printed or typeset on a white background). Scanning at 600 dpi is recommended.
- Gray scale (8-bit) scanned at 300-400 dpi. This is appropriate for textual documents of poor legibility because of low inherent contrast, staining or fading (e.g., carbon copies, thermofax, or documents with handwritten annotations or other markings), or that contain halftone illustrations or photographs. Scanning at 400 dpi is recommended.
- Color (24-bit RGB [Red, Green, Blue]) scanned at 300-400 dpi. Color mode (if technically available) is appropriate for text containing color information important to interpretation or content. Scanning at 400 dpi is recommended.
- If your document was created using a word processor, then it should be printed to PDF. This is a print option under the File menu in most word processing applications such as Microsoft Word. Do not print, scan and pdf your document.
- You do not need to sign your document. Your PACER login and password is your signature.
- The scanned pdf must be text-searchable (optical character recognition (“OCR”)).

Contacts

Technical Help.....718-613-2290

Questions about PACER registration.....800-676-6856

Questions about E-Filing

Brooklyn718-613-2610

Central Islip.....631-712-3010

To schedule Training

Brooklyn718-613-2312

Central Islip.....631-712-6011

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