



# **FREQUENTLY ASKED QUESTIONS FOR ELECTRONIC CASE FILING (ECF)**

December 2018

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**(A) General Inquiries**

***(1) What is ECF?***

ECF is an Internet-based document filing system. ECF enables registered users to electronically file (e-file) documents in PDF format with the court.

***(2) Who can file via ECF?***

Attorneys admitted to practice in the District of Vermont, as well as non-incarcerated pro-se parties, are permitted to file documents via ECF.

***(3) Is e-filing mandatory?***

No, the District of Vermont is a voluntary e-filing court. You decide when you want to file electronically or by traditional means.

**NOTE:** select one way or the other for a filing, not a combination. If you e-file a motion, you should also e-file the related exhibits at the same time. Do not e-file a motion and submit related exhibits in hard copy to the Clerk's Office, unless the exhibits are filed under seal. If you e-file a document it is not necessary to also send a "courtesy copy" to the Clerk's Office, unless requested by chambers.

***(4) Is there a fee to use ECF?***

No, there is no charge to register to use ECF or to file documents via ECF.

***(5) Is a login and password required to use ECF?***

Yes, complete our [ECF Registration Form](#) and submit by mail. Upon receipt, a login and password will be assigned and sent to the primary e-mail address.

***(6) I do not wish to file via ECF, although I want to receive notices electronically. Is that permitted?***

Yes, complete our [ECF Registration Form](#) and submit by mail. Upon receipt, a login and password will be assigned and sent to the primary email address. Once registered, electronic service begins immediately.

***(7) I have a login from another court; will that login work in the District of Vermont?***

No, you must register in the District of Vermont in order to file electronically in this district. On the registration form you may indicate a login assigned from another court. This will assist us with assigning you the same login. Single sign-on is a feature of NextGen. At this time, the District of Vermont is not a NextGen Court.

**(B) PACER**

***(1) What is PACER?***

PACER (Public Access to Court Electronic Records) is a component of ECF and allows the public, and attorneys, to **view** case information and documents. The PACER and ECF login screens are one and the same. If you want to **query** case information, enter your

PACER login and password; if you want to electronically **file** a document, enter your ECF login and password.

PACER is a third party application. Issues concerning PACER login issues should be directed to the PACER Service Center.

***(2) Is a login and password required to use PACER?***

Yes, register with PACER at [www.pacer.gov](http://www.pacer.gov).

***(3) Is there a fee to view docket sheets and documents via PACER?***

PACER charges users to view documents, name searches, and reports. Visit the PACER website for current fees, caps, and fee waivers.

**(C) Browser**

***(1) Are there browser requirements?***

Yes, ECF has been tested and verified for use with Internet Explorer versions 7 and 8; or Firefox. Using newer browser versions, or another browser, may cause issues during the docketing process.

**(D) Attachments**

***(1) I have several attachments, i.e. memorandum in support, affidavit, exhibits, etc. Would I file each attachment separately, or into one combined image?***

It is preferred each exhibit, affidavit, etc., be filed as a separate attachment even if each exhibit is only one page in length. A single attachment cannot exceed 50 MB in file size. See the Attorney User Manual for further instruction on uploading documents.

***(2) Should I e-file my Memorandum in Support as its own entry, or as an attachment to the main document?***

It is preferred the Memorandum in Support be e-filed as an *attachment* to the main document. There is an option to select Memorandum in Support from the drop-down category when attaching in ECF.

***(3) Is there a limit to how many pages an attachment can be?***

No, the only limitation is the file size of each attachment, which must not exceed 50 MB.

***(4) Is there a limitation on the number of attachments I can file?***

No, there is not a limit to the number of attachments you can upload. If you have voluminous attachments you may notice it takes longer than normal to upload the documents.

***(5) What if my attachment is larger than 50 MB?***

If you find that an attachment is too large to upload, break the document down into smaller parts, each under 50 MB. Each part can then be uploaded as Exhibit 1 (Part 1 of 2), Exhibit 1 (Part 2 of 2) etc.

***(6) Can I e-file my document if I have a DVD as an exhibit?***

Yes, if you have a DVD as an exhibit or attachment referenced in your document, you can e-file the document. Create a placeholder for the referenced exhibit, or attachment, showing the exhibit or attachment is a DVD filed with the Clerk's Office. Follow up by sending the DVD to the Clerk's Office for filing, include a cover letter referencing the DVD coincides with a document previously e-filed.

***(7) Is there a preferred method for naming attachments?***

Yes, when naming attachments it is preferred the name of the attachment be concise, with no descriptive text. i.e. "Exhibit A" rather than "Exhibit A to Affidavit of John Doe." The screen for naming your attachments can be a bit confusing. The Category and Description Box do the same thing. To save time typing, you can choose an option from the category drop down, this will pull the selected text into the description of the attachment (do not type it again in the description box). What is chosen from the category drop down will **combine** with anything in the description box for the docket entry. For example, if you choose "Exhibit" in the category drop down, you would enter "A" for the description and this will describe the attachment as "Exhibit A." However, if you choose "Exhibit" in the category drop down and enter "Exhibit A" in the description box, it will be combined in the entry to read "Exhibit Exhibit A."

**(E) Notice of Electronic Filing (NEF)**

***(1) What is a NEF?***

A NEF (Notice of Electronic Filing) is an e-mail notice automatically generated by the ECF system at the time a document is filed. It acts as **service** of the document filed and is e-mailed **only** to parties who have specifically consented to receive service electronically. Each NEF contains the following information:

- Name of e-filer, date and time of filing;
- case name;
- case number, as a hyperlink (see section (E)(3));
- filer;
- document number, as a hyperlink (see section (E)(2));
- docket text;
- document description (Main Document, Certificate of Service, etc.);
- electronic document stamp (security stamp);
- names and email address of the parties/attorneys receiving service via NEF; and
- names and address of attorneys receiving service via traditional means.

***(2) What is “One Free Look”?***

“One Free Look” refers to the functionality that allows a NEF recipient to view the underlying document and attachments once without logging into PACER and incurring viewing charges. Docket entries that are text only entries will not include a hyperlink. The “One Free Look” document number hyperlink expires 15 days after the “filed date” of the document. Therefore, we advise that when using your “One Free Look,” you save the document for future viewing.

If you have viewed the document without saving, or are attempting to view the document 15 days or more after the filing date, you will need to log in to PACER to view the document. The Clerk's Office should not be contacted to regenerate the NEF. The Clerk's Office may regenerate the NEF **only** when technical difficulties have occurred.

***(3) What is the purpose of the case hyperlink?***

The case hyperlink provides a quick way to view the case. Clicking on the case hyperlink will connect you to the PACER side of the ECF system. You will be prompted to enter your PACER login and password, at which time you will be brought directly to the case. NOTE: you will incur PACER charges for this view.

***(4) What is the purpose of the document hyperlink?***

The presence of a document number hyperlink indicates a PDF image is associated with the filing. When you click on the document number hyperlink, you will automatically receive “**One Free Look**” at the document(s) filed. You will not be asked to enter your PACER login and password to view the document(s).

***(5) Should there always be a document number hyperlink?***

No, while all attorney filings and e-filings must contain a document image, court entries do not always include a PDF image. Examples: text only orders, minute entries for court proceedings, etc. Since these do not contain a viewable document image, the document number does not appear in the form of a hyperlink.

***(6) When I click on the document number hyperlink, I receive a message or am being asked to login. Is there something wrong with the hyperlink?***

No, there are a few exceptions to the “One Free Look.” Documents in social security cases, sentencing memoranda and plea agreements in criminal cases may be viewed **only** by case participants or at public terminals. Sealed documents are not available for viewing to anyone outside the Court.

If you are receiving a message that you do not have permission to view a document, it is because the document is sealed and cannot be viewed. If you are presented with a log in screen, it is because you are attempting to view a document that is restricted to case participants. You must enter your ECF login credentials in order for the system to recognize you as a case participant.

**(F) Account Maintenance**

***(1) Do I need to change my password often?***

No, you are not **required** to change your password. However, it is **recommended** the password be changed periodically for security purposes.

***(2) Are there any password requirements?***

Yes, passwords must be at least eight characters long and include both uppercase and lowercase alphabetic characters and at least one special character (for example: 0-9, @, #, \$, &, \*, +).

***(3) Can I change my password?***

Yes, passwords can be changed in ECF via Maintain Your Account found under the Utilities menu. See the ECF User Manual for detailed instructions.

***(4) Can I reset my forgotten password?***

Yes, at the login screen click on “If you forgot your CM/ECF password, you can request a password reset [here](#).” You will need to provide your login, at which time it will query CM/ECF for the primary e-mail address on file. An instructional email will be sent to the primary e-mail to reset the password.

***(5) Can I enter additional e-mail addresses to receive Notices of Electronic Filing (NEFs)?***

Yes, additional e-mail addresses can be added via Maintain Your Account found under the Utilities menu. See the ECF User Manual for detailed instructions.

**(G) Filing**

***(1) Should the response I am replying to show as a related document to link when I’m filing a reply to a response to a motion?***

No, responses and replies do not show on this screen by design. You should link to the underlying motion.

***(2) Is there a proper way to e-sign a document?***

A person’s name on a signature block along with their CM/ECF user name/password serves as the signature.

James J. Jones, Esq.

Law Firm Name

Law Firm Address

Law Firm Phone

***(3) Can I file a document that requires more than one signature, such as a stipulation of dismissal?***

Yes, the [Administrative Procedures for Electronic Case Filing](#) states the document must list all the names of the other signatories by means of a signature block for each

signature. By submitting such document, the filing attorney certifies that each of the signatories has expressly agreed to the form and substance of the document and the filing attorney has the authority to file the document on behalf of all signatories.

***(4) Does an affidavit need to have an original signature?***

No, affidavits may be filed electronically using the signature block indicating the paper document bears an original signature. The filing attorney shall retain the original for future production, if necessary, for two (2) years after the expiration of the time for filing a timely appeal.

***(5) I am having trouble locating where I should file a document. Is there a way to look up which event to use?***

Yes, available on our website is a [Civil](#) or [Criminal](#) Events at a Glance. Also, there is a Search function available from the blue menu bar in ECF, or you may call the Help Desk for assistance.

***(6) Will I receive confirmation to know my document has been filed with the court?***

Yes, upon submission of an e-filed document a “Confirmation Notice” is displayed. It contains the same information as a NEF, with one exception: the document hyperlink does not allow “One Free Look” of the filing.

***(7) I noticed an error in my e-filing after entered on the docket. Should I re-file?***

No, if you notice an error after e-filing a document you should contact the Help Desk. Do not attempt to file the document again as this will cause duplicate filings on the docket. The Help Desk has the ability to replace document images, or correct docket text, and will send out an electronic notice of any correction as deemed necessary.

**(H) Certificate of Service**

***(1) Is a Certificate of Service required for e-filed documents?***

Attorneys and pro se litigants who are not registered as ECF users shall be served a paper copy of any electronically filed pleading, or other document, in accordance with the provisions of Fed. R. Civ. P. 5.

***(2) Can I look in ECF to determine who is getting electronically served, and who will need to be served by traditional means?***

Yes, mailing information for each case may be obtained via Mailing Info for a Case under the Utilities menu in ECF (Utilities, Mailings, Mailing Info for a Case).

***(3) Should I docket the Certificate of Service separately?***

No, it is preferred the Certificate of Service either be the last page of the main document, or an attachment to the filing. We ask you refrain from docketing it as its own entry if at all possible.

***(4) Is there a suggested Certificate of Service format I can follow?***

Yes, click [here](#) to view our suggested Certificate of Service format when filing electronically.

**(I) Case Initiating Documents and Documents with Fees**

***(1) Can I e-file case initiating documents?***

No, currently ECF in the District of Vermont does not allow for case initiating documents to be e-filed. Amended Complaints, Notices of Removal and Cross-Claims are considered case initiating documents. These documents should be sent to the court by traditional means. Documents that are not filed electronically must contain original ink signatures.

***(2) Can I e-file a Motion for Admission Pro Hac Vice?***

No, currently ECF does not allow this specific type of motion to be e-filed because there is an associated fee. This specific type of motion must be filed by traditional means along with the current filing fee. Documents that are not filed electronically must contain original ink signatures. Copies of affidavits will not be accepted.

**(J) Cover Letters and Correspondence**

***(1) Should I include a cover letter with my e-filing?***

No, cover letters should not accompany your e-filing.

***(2) Can I e-file attorney correspondence?***

No, attorney correspondence, including letters, should **not** be e-filed.

***(3) Can I e-file letters in support of a defendant to be sentenced?***

Yes, letters referenced as an exhibit to your Sentencing Memorandum can be e-filed. However, if the letters are to be filed stand-alone, they should not be e-filed, but rather filed by traditional means.

**(K) Discovery**

***(1) Is there a difference between a Discovery Certificate and a Certificate of Service?***

Yes, a Discovery Certificate is regarding the exchange of *discovery materials* and a Certificate of Service is for non-discovery materials. If you have exchanged discovery material, e-file a Discovery Certificate using the specific Discovery Certificate event. If the material exchanged is not related to discovery, e-file a Certificate of Service. NOTE: when filing a discovery certificate, do not include the actual discovery material pursuant to Fed. R. Civ. P. 5(d)(1).

**(L) Sealed Documents**

***(1) Can I e-file a sealed document?***

No, sealed documents cannot be e-filed. **Sealed documents must be filed by traditional means and docketed by court staff. Documents that are not filed electronically must contain original ink signatures.**

***(2) Can I e-file a Motion to Seal a Document or Motion to File Under Seal and have the image SEALED?***

No, any document that is to be sealed must be filed via traditional means and docketed by court staff only. Submit your Motion to Seal or Motion to File Under Seal to the Clerk's Office in hard copy. Refer to Local Rule 5.2.

Any document that is filed electronically will be available on the public docket. In some instances, the motion to seal does not need to be sealed. If the existence of a motion to seal, and its contents, do not need to be filed under seal, the event **File Under Seal (NEF is sent – Entry and PDF visible)** may be used. All other motions relating to sealing include (COURT USE ONLY) in the title and should **not** be used.

**(M) Query**

***(1) I'm typing in my case number and cannot find the case. Is there a recommended method to query?***

Yes, simply type the *year-case number* and click on the Run Query button. This method allows the user the best possibility of locating a specific case. If there are multiple types of cases from that year with the case number, you will see the various options. You can now select the case you are searching for from the listing.

***(2) What do the other numbers and letters in the case title refer to ?  
i.e. 1:99-cv-0999-jgm-jmc***

LocationCode:Year-CaseType-CaseNumber-PresidingJudgeInitials-ReferralJudgeInitials

Location codes: 1, 2 or 5 (administrative purpose)

Year: the year the case was **filed**

Case type: cr – criminal, cv – civil, mc – miscellaneous, mj – magistrate

Initials: presiding judge – referral judge (jgm, gwc, wks, cr, and/or jmc)