

United States Court of Appeals
for the Fifth Circuit



CM/ECF Application

ECF Filing Standards

Fall, 2009

Update 10/23/10

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A. General Information

- (1) Electronic case filing (ECF) as prescribed by 5TH CIR. R. 25.2 began on December 7, 2009. We will begin mandatory electronic case filing on March 15, 2010.
- (2) Terminology - As used in these ECF filing standards, “documents” or “filings” includes briefs, motions, record excerpts, petitions for panel or en banc rehearing, FED. R. APP. P. 28(j) letters, and other case related correspondence with the court, such as appearance forms, transcript order forms, etc. The term “initiating documents” includes matters filed in this court’s original jurisdiction such as petitions for review of agency actions, see, FED. R. APP. P. 15; writs of mandamus and prohibition and other extraordinary writs, see FED. R. APP. P. 21, appeals by permission, see FED. R. APP. P. 5.
- (3) Counsel filing via ECF must carefully review the technical and training information on the court’s website for the most complete and current information.
- (4) An ECF “filing user” is an attorney who is a member in good standing of the Fifth Circuit bar, meets the training requirements and properly registers as a filer.
- (5) Filing users are urged to prepare in advance by completing registration and training and to review reference materials. Lack of familiarity with ECF procedures is not an acceptable reason for extensions of time to file.
- (6) In addition to a certificate of service, all ECF pleadings must include certifications that: 1) required privacy redactions have been made, 5TH CIR. R. 25.2.13; 2) the electronic submission is an exact copy of the paper document, 5TH CIR. R.25.2.1; and 3) the document has been scanned for viruses with the most recent version of a commercial virus scanning program and is free of viruses.
- (7) The Notice of Docket Activity (NDA) is the method of service to those who are registered ECF filers, provided the filing complies with all other service requirements. Otherwise, service is by pre-ECF means as prescribed by the rules, 5TH CIR. R.25.2.5.
- (8) ECF must be completed by 11:59 p.m. Central time to be considered timely filed that day. A document is deemed filed at the date and time stated on

the NDA.

- (9) Filing users may only file on behalf of parties they are linked to in a case.
- (10) We may edit your docket entry to correct or supplement the text. We will make a notation that the entry was edited.

B. Registration

- (1) Registration to access the ECF system is provided through the PACER Service Center and involves confirmation that certain technical requirements are met. These include, but are not limited to, the proper version of Java, an Internet browser, and software to convert word processing documents to portable document format (PDF).
<http://pacer.psc.uscourts.gov/psco/cgi-bin/cmecf/ea-regform.pl>
- (2) A filing user's registration constitutes consent to electronic service of all documents. All court orders/forms will be served electronically via the NDA.
- (3) If you or your firm does not have a PACER account, apply for that at:
<http://pacer.psc.uscourts.gov/psco/cgi-bin/register.pl>.
- (4) Filing users are urged to register as early as possible. Registration is not instantaneous. All accounts must be accepted by the court. Do not wait until the filing deadline to register as lack of a completed registration is not an acceptable reason for extensions of time to file.
- (5) Filing users are responsible for protecting the privacy of their login and password. Authorized use of an attorney's login name and password by another is deemed to be the act of the attorney. Users should contact the PACER Service Center and clerk immediately if their password is compromised.
- (6) All filing users must maintain accurate contact information through the PACER Service Center which in turn updates the court. In situations where the attorney is not registered during the voluntary period or exempt from electronic filing, contact information should be provided to the clerk's office, see 5TH CIR. R. 46.1. Service of a filing to an invalid email address constitutes valid service if the individual has failed to provide a current address.

- (7) Electronic filers must complete at least two interactive electronic learning modules (ELM) available on the court's website and provide certification that they have done so by sending an email at the completion of the ELMs to the designated address.

C. Sealed Information & Privacy

- (1) Proposed sealed materials, or those already sealed, may be filed electronically by taking the actions prescribed for sealed items. Failure to follow these steps will result in public disclosure of sensitive material. ECF filers solely are responsible for ensuring that sealed materials are filed appropriately, see also 5TH CIR. R. 25.2.8.
- (2) Filing users must follow the privacy and redaction requirements of Fed. R. App. P. 25(a)(5), see also 5TH CIR. R. 25.2.13. Required redactions include social security numbers and taxpayer identification numbers (the last four digits may be used), birth dates (year of birth may be used), minors' names (initials may be used), and financial account numbers (except those identifying property allegedly subject to forfeiture in a forfeiture proceeding). Filers, and not the court, are solely responsible for redacting pleadings.
- (3) Filing users do not need to take special privacy and redaction action on pleadings submitted in social security and immigration cases as these are protected automatically from public viewing electronically. However, court staff, judges and parties/attorneys in the case may access the documents in electronic form. Court orders and opinions in these cases are available to the public on PACER. Non-parties may inspect the court's paper file in the case at the clerk's office, but may not access them in electronic form from a remote location.

D. Technical Information

- (1) Filing users must have Java version 1.6 or higher to access Appellate CM/ECF. Download the latest Java version at: www.java.com/en/.
- (2) All documents must be submitted in native PDF text format (not scanned to PDF) unless permitted by 5TH CIR. R. 25.2, or unless granted leave to file a scanned document. If a scanned document is permitted, set your scanner to 'black and white' and '300 dpi'.

- (3) Current versions of the following browsers are compatible with Appellate CM/ECF and may be used:

Mozilla Firefox 3.5 or higher;
Internet Explorer 7 or higher.

Opera has not been tested with CM/ECF, but no problems have been reported.

Do not use Netscape, Internet Explorer 5 or below, AOL or MSN Explorer browsers. They are *not* compatible with CM/ECF.

- (4) Documents filed electronically are limited to 10 megabytes per uploaded file. (This size will be more than adequate for any document which needs to be filed with the court as long as the PDF file does not contained scanned material. There is no exact correlation between file size and pages, so filing users should check the file size before submitting an electronic filing).
- (5) If more than one file is uploaded with a particular entry, the maximum file size for all documents/attachments in the entry is 50 megabytes.
- (6) Filing users are responsible for verifying that any scanned material is legible and complete.
- (7) If a technical failure prevents the filing of a document, contact the help desk at ca05_cmecf@ca5.uscourts.gov or 877-232-1038 about seeking appropriate relief from the court.
- (8) Electronically filed documents may contain the following types of hyperlinks: links to other portions of the same document; links to other CM/ECF or PACER documents; links between documents filed at the same time. Hyperlinks to cited authority may not replace standard citation format, see 5TH CIR. R. 25.2.14.
- (9) The recommended screen resolution with Appellate CM/ECF is 1024 x 768. Computers with different settings can use CM/ECF, but horizontal scrolling on the screens may be needed.

E. Paper Requirements

- (1) When the court requests paper copies in addition to the electronic copies,

filing users must file the same number of paper copies of documents as currently required by the rules for briefs, motions, petitions for rehearing, record excerpts, etc., see 5th Cir. R. 25.2.1. You must submit paper copies of pleadings within five days after the court requests them.

- (2) 5TH CIR. R.25.2.2 permits the court to require filing users to file case initiating documents (see A 2 above for definition) only in paper form for original proceedings. We have this requirement because original proceedings do not have any electronic entries similar to appeals from district courts which we receive in electronic form. After an original proceedings case is opened here subsequent documents may be filed electronically.
- (3) Filing users must maintain in paper form documents filed electronically for three years after the mandate or order closing the case issues, 5TH CIR. R. 25.2.9.
- (4) Electronically filed pleadings should *not* include a cover letter. Paper filings still require a cover letter.

F. Signatures

- (1) The filing user's login and password constitutes their signature to file documents with the court. The filing user's name under whose login and password is submitted must be preceded by an "s/" in the area where a physical signature would go, 5TH CIR. R. 25.2.10.
- (2) Documents requiring more than one signature must be filed by either a) submitting a scanned document containing all necessary signatures, or b) showing the consent of the other parties on the document.

G. Training

- (1) The court's website contains user manuals, electronic learning modules and other reference materials to assist users in preparing for electronic filing.

H. Help

- (1) If you have questions or problems concerning electronic filing through CM/ECF, contact the ECF Help Desk at ca05_cmecf@ca5.uscourts.gov. Please include any relevant information such as case numbers, filer's name

and any other information that will assist us in answering your question. Your inquiry will be a priority and we will strive to answer it as quickly as possible.

The help desk is available during the Clerk's Office regular business hours, Monday through Friday, 8:00 a.m. to 4:30 p.m Central time. Alternatively, you may call the ECF Help Desk at 877-232-1038 for assistance.

- (2) The court's main and satellite libraries can provide access to the training and reference materials and some degree of assistance with electronic filing.