

Electronic Case Filing System User Manual

Eastern District of Tennessee

Issued April 2004

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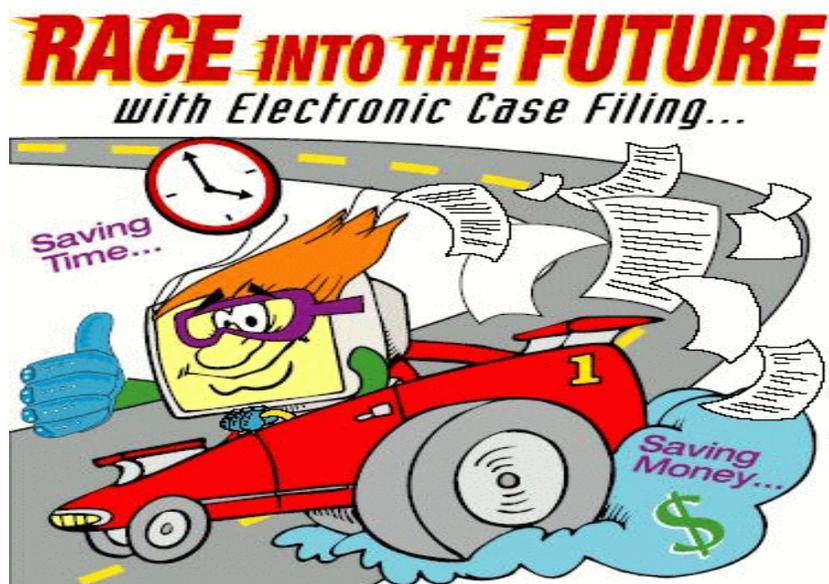


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Eastern District of Tennessee

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PREFACE

The United States District Court for the Eastern District of Tennessee has implemented a new case management/electronic case filing system (CM/ECF). The system was developed by the Administrative Office of the U.S. Courts and is in use by many bankruptcy and district courts across the county.

This system revolutionizes the way documents are filed and managed in our Court. Attorneys are able to file documents from the comfort of their own offices or anywhere else that has Internet access. Attorneys also can receive notice of electronically filed documents by e-mail, instantaneously. They will be able to view and copy documents, not only in their cases, but in other cases as well, without having to leave their office.

We believe that you will find this is an easy system to learn and to use. The Court's Local Rules and the Court's Electronic Case Filing Rules and Procedures (hereinafter ECF Rules and Procedures) govern electronic filing. In addition, the Clerk's Office has developed this User's Manual to explain in detail how to file documents electronically. It also has developed training materials, available on our web site, and training classes, for which you may register on our web site at www.tned.uscourts.gov. The Clerk's Office also has established an ECF Help Desk to assist you with any questions you may have.

The Clerk's Office, Bench, and attorney advisors have worked hard to make this system easy and convenient to use. We welcome your input on our procedures and your experience with our system. We will continue to work together to improve the system. If you have any comments or suggestions, please e-mail them to: ecfhelp@tned.uscourts.gov.

s/R. Allan Edgar, Chief Judge

INTRODUCTION

This User Manual provides procedures and instructions for using the Electronic Case Filing (ECF) system to file documents with the Court, and to view and retrieve docket sheets and documents for all civil, criminal and miscellaneous cases in the system. The screen shots in this manual could appear slightly different as you electronically file your documents, due to future enhancements or upgrades. A Filing User¹ should have a working knowledge of an ECF-compatible Web browser (e.g., Netscape) and Adobe Acrobat or equivalent software for creating and reading Portable Document Files (PDF). For questions regarding Netscape or Adobe Acrobat, please refer to their instruction manuals.

All new civil, criminal and miscellaneous cases filed on or after May 17, 2004, and new documents filed in cases pending as of May 17 will be subject to the electronic filing requirements and procedures as set forth in E.D.TN. LR 5.2 (Filing and Service by Electronic Means), E.D.TN. LR 7.3 (Redaction of Personal Information from Filed Documents), the Court's ECF Rules and Procedures, and this User's Manual, unless exempted by the presiding judge.

1. A Filing User means an individual registered with the Court to whom the Court has issued a login and password allowing the individual to access the Electronic Filing System for all permitted purposes. ECF Rules and Procedures ¶2.3, **Appendix C**.

CHAPTER I

GETTING STARTED

A. HELP DESK

Call the ECF Help Desk for telephone assistance in using ECF between the hours of 8:00 A.M. and 4:00 P.M., Monday through Friday, at one of the following numbers:

(Chattanooga)	(423) 752-5200 (fax 5205)
(Knoxville)	(865) 545-4228 (fax 4247)
(Greeneville)	(423) 639-3105 (fax 7134)
(Winchester)	(931) 967-1444 (fax 9693)

B. ECF SYSTEM CAPABILITIES

A Filing User with a PACER account², an ECF-compatible web browser, Adobe Acrobat or equivalent software, and access to the Internet can use the Court's ECF system to perform the following functions:

- Open the Court's web site, www.tned.uscourts.gov
- View, print or download the most recent version of the ECF User Manual.
- Self-train on a web-based ECF Tutorial.
- Practice entering documents into ECF using a "training" system and database. The "training" ECF system is similar to the "live" ECF database.
- Register for classroom training in ECF. Classroom training is strongly encouraged before filing cases in the live ECF database.
- Electronically file pleadings and documents in actual cases in the live ECF database.
- View official docket sheets and other documents associated with cases.
- View reports for cases that were filed electronically.

C. REQUIREMENTS

1. Hardware and Software Requirements

The hardware and software needed to electronically file, view, and retrieve case documents are the following:

² See p. 1:2 for a discussion of PACER.

- A personal computer running a standard operating system such as Microsoft Windows or Macintosh.
- A PDF-compatible word processing software package like Macintosh or Windows-based version of WordPerfect and Word.
- Adobe Acrobat software 3.0 or higher (reader & writer), or other software capable of converting documents from a word processor format to the portable document format (PDF). (Adobe Acrobat publisher is included in WordPerfect's Versions 9 and 10. However, the PDF files it creates are very large and we do not recommend using it for converting documents to PDF.)
- An Internet provider using point to point protocol (PPP). We do not recommend a particular provider, but we do recommend an access speed of 56K or faster.
- A compatible Internet browser. The system supports Internet Explorer version 5.5 and Netscape browser version 4.6x and 4.7x (128 bit encryption is strongly recommended).

NOTE: Filing users have experienced some compatibility issues with versions of Netscape Navigator lower than 4.6; America On-Line's version of Netscape Navigator; and some versions of Internet Explorer. Internet Explorer can be downloaded free of charge at www.microsoft.com. Netscape can be downloaded free of charge at www.netscape.com.

- A scanner to convert paper documents that are not in a word processing format to digital format for electronic filing in the Court's ECF system (e.g., medical records filed as exhibits). Use a scanner **ONLY** if you **cannot** electronically prepare your documents with a word processing software package and convert them to PDF format. When scanning documents for ECF, scan at a resolution of **200 to 240 dpi**. Scanning at resolutions greater than 240 dpi tends to clutter the electronic transfer with unwanted markings and print. All documents should be scanned with a "black and white" setting unless the exhibit is in color.

2. PACER (Public Access to Court Electronic Records) Account

Filing users must have a PACER account to use the **Query** and **Report** features of the ECF system and to access the ECF system. The Judicial Conference of the United States has the authority to impose user fees for electronic access to case information. All registered PACER users will be assessed a charge of 7 cents per page (generally defined as 54 lines of data) up to a maximum of \$2.10 (or the equivalent of 30 pages) for electronic access to any single document. When charges are accrued, a transaction receipt will appear before the document may be viewed. This receipt will indicate the date and time of the transaction, the type or description of the transaction, the number of pages billed and the cost for that particular transaction. The user may click the [**View document**] button to proceed, or use the browser's "Back" button to cancel the request.

The PACER Service Center sends quarterly statements to account holders. For any balance less than \$10, payment will be deferred until the next quarter. For more information regarding billing and payment requirements and to obtain a PACER account, you may contact the PACER Service Center by calling (800) 676-6856 or (210) 301-6440 or by visiting the PACER registration page at www.pacer.uscourts.gov. A link to PACER's site is provided on the Court's web site. There is no fee to register for a PACER account. It normally takes about a week to receive a login and password, but the process can be expedited by registering on-line.

NOTE: The Filing User and other individuals the Filing User has designated to receive e-mail notification of electronic filings are permitted one "free look" at the document by clicking on the associated hyperlinked document number embedded in the Notice of Electronic Filing. (See p. 6:12 of this Manual for discussion of Notice of Electronic Filing.) The hyperlink to access the document will expire after the earlier of these two events: the first use or 15 days. Any time that same hyperlink is accessed after it has expired, the user will be asked for a PACER login and will be charged to view the document. Viewing attachments and subsequent retrieval of the case docket sheet or document from ECF must be made through your PACER account and is subject to regular PACER fees.

3. ECF Account

Participants will need to register with the Court to receive a login and password for the ECF system. The registration form is on our Court's web site at www.tned.uscourts.gov and as **Appendix D** to this Manual. You also can obtain a copy at the Clerk's Office.

Classroom training provided by the Court is **strongly encouraged** before you file documents in the live ECF database. The registration form for an ECF login and password requires you to certify that you will read the ECF Rules and Procedures and this User's Manual. The completed and signed registration form must be delivered to the Clerk's Office at one of the following locations:

CHATTANOOGA

Joel W. Solomon Federal Building & U.S. Courthouse
900 Georgia Avenue, Room 309
Chattanooga, TN 37402

GREENEVILLE

James H. Quillen U.S. Courthouse
220 West Depot Street
Suite 200
Greeneville, TN 37743

KNOXVILLE

Howard H. Baker Jr. U.S. Courthouse
800 Market Street, Suite 130
Knoxville, TN 37902

WINCHESTER

200 South Jefferson Street
Room 201, U.S. Courthouse
Winchester, TN 37389

a. ECF Login and Password

Once registration is completed, the Court will e-mail Filing Users their login and password. The e-mail will be sent to the e-mail address submitted on the registration form. When you receive your login and password, you should log into the system to ensure that they work. The login and password are case-sensitive so you must type them exactly as they appear in the e-mail. If you are unable to log into the system, you should contact the ECF Help Desk at one of the numbers listed on page 1:1.

Registration as an electronic filing user constitutes consent to electronic service of all documents, as provided herein, and in E.D.TN. LR 5.2, Fed. R. Civ. P. 5(b)-(e), Fed.R. Crim. P. 49 (b)-(d) and by any applicable rule of procedure. This consent is applicable to all cases, present and future, where the user is counsel of record.

Use of the login and password issued to a Filing User to electronically file a document shall serve as the Filing User's signature on that document for all purposes, including those of the Federal Rules of Civil and Criminal Procedures, the Court's Local Rules and the Court's ECF Rules and Procedures.

Filing Users agree to protect the security of their password. No Filing User may knowingly permit a Filing User's login and password to be used by anyone other than an authorized agent of the Filing User. (*See* ECF Rules and Procedures, ¶5, **Appendix C.**) In the event an attorney believes that the security of an existing password has been compromised and that a threat to the Electronic Filing System exists, the attorney must give immediate notice by telephone to the ECF Help Desk and confirm by facsimile in order to prevent access to the Electronic Filing System by use of that password.

For more information about registration and passwords. (*See* ECF Rules and Procedures ¶5, **Appendix C.**)

b. Changing Your Password. Your initial password is computer-generated. Once you receive your login and password you can change your password to one which is easy for you to remember. To change your password, you must use the **Utilities Feature** of the ECF system. This feature and the process to change your password are described in detail at pages 9:1-9:4 of this Manual. **DO NOT CHANGE YOUR LOGIN.**

- c. Forgetting Your Password. If you forget your password, contact the Help Desk at one of the numbers listed on page 1:1 to have a new password issued. You will be asked for your Board of Professional Responsibility (BPR) number to verify your identity. You must personally make the call. Passwords will not be reissued at the request of others calling on your behalf. **DO NOT SUBMIT ANOTHER REGISTRATION FORM.**

4. ECF Accounts and PACER Accounts Are Different

An ECF account allows you to file documents electronically and provides you with e-mail notification of docket activity in cases in which you are counsel of record and in other cases in which you are not counsel of record when you sign up for electronic notification (*See* discussion of Utilities Feature at pages 9:1-9:4 of this Manual). It allows you to view docket sheets and court documents through the one time link in the Notification of Electronic Filing (*See* discussion of Notification of Electronic Filing at page 6:14-6:15 of this Manual.) Only members of the bar of this Court, or those appearing *pro hac vice*, or *pro se* filers with permission of the Court, can be assigned an ECF account.

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.

If you click on the [**Query Feature**] or [**Report Feature**] while working in ECF (*See* discussion at pages 7:1-8:2 of this Manual), the system will prompt you for your PACER login and password. If you choose “Make this my default PACER login,” the system will link your PACER account information to your ECF login and password. Thereafter, you will not be required to enter your PACER information while you are working in ECF.

5. Procedural Rules

The Filing User must be familiar with the Local Rules of this Court, in particular E.D.TN. LR 5.2, E.D.TN. LR 5.3, E.D.TN. LR 7.3, the ECF Rules and Procedures, and this User’s Manual. The Filing User should be aware that the Local Rules, as amended, apply to all filings. Electronic filing has not changed the applicability of the Local Rules. ECF calculates the time for responses to pleadings and motions. **If a different deadline is provided by law, regulation, court order, local rules or agreement, the law governs.**

6. Effect on Time Computation

Electronic service under E.D.TN. LR 5.2 is complete upon transmission and is equivalent to service by mail within the meaning of Fed. R. Civ. P. 6(e). Therefore, the additional three days to do an act or take a proceeding after service of a document by mail applies when service is made electronically.

7. Discovery

Pursuant to Fed. R. Civ. P. 5(d) and E.D.TN. LR 26.2, neither depositions, interrogatories, requests for production of documents and requests for admissions nor responses thereto shall be filed, except by order of the Court. Further, these documents cannot be sent to opposing counsel via the Court's electronic filing system. The electronic filing system is to be used only for the purpose of filing documents in a case. However, with consent, parties may serve these documents upon one another electronically through e-mail. (*See* Fed. R. Civ. P. 5.)

8. Training

- a. Case Filing Tutorials are provided on the Court's web site at www.tned.uscourts.gov.
- b. Training classes are held at the courthouses in Chattanooga, Knoxville and Greeneville. The training is conducted by the Clerk's Office staff. You may obtain the training schedule by visiting the Court's web site at www.tned.uscourts.gov or by calling the Clerk's Office;
- c. ECF Training Database - A training database is provided on the Court's web site at www.tned.uscourts.gov.

CHAPTER II

PREPARATION

A. SETTING UP THE ADOBE ACROBAT PDF READER

A Filing User must install Adobe's Acrobat Reader software in order to view documents that have been electronically filed on the system. All documents must be filed in PDF format. When installing this product, please review and follow Adobe's directions to utilize Acrobat Reader after installation. Adobe provides a PDF Reader free of charge on its web site that works for viewing PDF documents. However, in order to create and subsequently file PDF documents, you will need Adobe Acrobat Exchange 3.0 or higher or similar conversion program. WordPerfect version 9 or 10 can be used to convert documents to PDF. However, the PDF files they create are very large and we do not recommend their use for converting documents to PDF. All new documents prepared for ECF cases must be converted to PDF before entering them into ECF or transmitting them to the Court.

B. PORTABLE DOCUMENT FORMAT (PDF)

Only documents in PDF format may be filed with the Court using its ECF System. Before sending the file to the Court, users should preview the actual PDF document to ensure it is complete and in the proper format.

There are two types of PDF documents - electronically converted PDF documents and scanned image PDF documents. Electronically converted PDF documents are created from word processing documents (MS Word, WordPerfect, etc.) using Adobe Acrobat or similar software. They are text searchable and their size is small. Scanned image PDF documents are created from paper documents run through an optical scanner. Scanned image PDF's are not searchable and have a large file size.

1. Viewing a PDF File

- Open Adobe Acrobat.
- Select [**File**] on the menu bar and choose [**Open**] from the drop-down window.
- Click on the location and file name of the PDF document you wish to view.
- Acrobat loads the file and displays it on your screen. Verify it is the document you wish to send.
- If the displayed document is larger than the screen or contains more than one page, use the scroll bars and buttons to move about within the document.

- Click on the **[View]** menu to select other options for viewing the document. Choose the option that best suits your viewing needs.

2. Converting Electronic Documents to PDF Format

You must convert all of your documents to PDF format before submitting them to the Court's system, unless exempted by Order, the ECF Rules and Procedures, or this User's Manual. As discussed above, the conversion process requires special software such as Adobe Acrobat Writer, FinePrint pdfFactory or WordPerfect version 9 or 10, which have built-in PDF conversion capabilities. Conversion steps for different word processing applications are described below:

a. Preferred Method - for most word processing programs

- Open the document to be converted.
- Select the **Print** option and select the option to change the selected printer. A drop-down menu with a list of printer choices is displayed.
- Select your PDF Writer.
- "Print" the file. The file should not actually print out; instead the option to save the file as a PDF format file appears.
- Name the file, giving the extension PDF.
- Accept the option and the file is converted to a PDF document.

The file is now in PDF format under the newly designated name, and the original document remains in its original form under the original name.

b. WordPerfect Version 9 or above

- Use above method, or,
- Open the document to be converted.
- Click on **[File]** menu and select, **[Publish to PDF]**.
- Save the file as a PDF file, giving the extension PDF.

The file is now in PDF format under the newly designated name, and the original document remains in its original form under the original name. **We do not recommend using this method as the PDF file created is larger than that created using PDF writer software (See paragraph a above.).**

c. Microsoft Word Version 95, 97, or 2000

- Open the document to be converted.

- Click on the **[File]** menu and select, **[Create PDF]**.
- Save the file as a PDF file, giving it a PDF extension.

The file is now in PDF format under the newly designated name, and the original document remains in its original form under the original name.

d. Microsoft Word Office XP

- Open the document to be converted.
- Click on the **[Create Adobe PDF]** button on the toolbar.
- Save the file as a PDF file, giving it a PDF extension.

The file is now in PDF format under the newly designated name, and the original document remains in its original form under the original name.

NOTE: We strongly suggest you choose a descriptive name for the PDF document that includes the case number, the title of the pleading, and the date of the document. Be sure to use the extension PDF. For more help in naming and organizing files, See <http://pacer.psc.uscourts.gov/ecfbt/dc/filemgt1/> and <http://pacer.psc.uscourts.gov/ecfbt/dc/filemgt2/>

CHAPTER III

BASICS

A. USER INTERACTIONS

A user normally interacts with the Electronic Case Filing (ECF) system in three ways.

1. Entering information in data fields.
2. Mouse-clicking on hyperlinks.
3. Using command buttons to direct system activities.

B. CONVENTIONS USED IN THIS MANUAL

- Hyperlinks are displayed as **blue underlined boldface type** (when viewed on screen or printed in color).
- Command buttons appear in **[bracketed boldface type]**.

C. DOCUMENTS FILED IN ERROR

A document incorrectly filed in a case may result from: (a) Posting the wrong PDF file to a docket entry; (b) selecting the wrong document type from the menu; or (c) entering the wrong case number and not discovering the error before completing the transaction.

For assistance, telephone the ECF Help Desk at one of the following:

(Chattanooga)	(423) 752-5200
(Knoxville)	(865) 545-4228
(Greeneville)	(423) 639-3105
(Winchester)	(931) 967-1444

You will need to provide the case number and document number for the document in question. If appropriate, the Clerk's Office will make an entry indicating that the document was filed in error. You may be advised that you need to refile the document or petition the Court for other appropriate relief. The ECF system does not permit you to make changes to the misfiled document or incorrect docket entry after the transaction has been accepted.

D. VIEWING TRANSACTION LOG

This feature, selected from the Utilities feature of the ECF system, allows you to review all the transactions ECF has processed with your login and password. (See page 9:1-9:4 of this Manual for a detailed discussion of the Utilities feature.) If you believe or suspect someone is using your login and password without your permission, change your password immediately, then telephone the ECF Help Desk, and confirm with a faxed message.

E. USER MANUAL

You can view or download the most recent version of this Manual (in PDF format) from the Court's web site. Enter www.tned.uscourts.gov in your browser's location field; and when the Court's web site opens, click on the [**Race Into The Future**] logo.

NOTE: The ECF User Manual is best viewed using Adobe Acrobat Reader Version 5.0 or higher. Users can download a free copy of Acrobat Reader from Adobe's web site at www.adobe.com.

F. TECHNICAL FAILURES

A Filing user whose filing is made untimely as the result of a technical failure may seek appropriate relief from the Court. (See ECF Rules and Procedures, at ¶6, **Appendix C**.) If necessary, you may bring the document to the courthouse in PDF format on an appropriately labeled disk or CD-ROM.

CHAPTER IV

A STEP-BY-STEP GUIDE

Below is a step-by-step guide for entering the system, preparing a document for filing, filing a motion or application, and displaying a docket sheet.

A. HOW TO ACCESS THE SYSTEM

Users can enter the system by going to the Court's web site at www.tned.uscourts.gov and clicking on the hyperlink. (See Figure 1.)



Figure 1

After clicking on the hyperlink, a new screen opens providing the user with information about ECF, such as this User Guide, the Court's Rules, Policies and Procedures and various training options. From the Electronic Case Filing screen, select **[Begin Electronic Case Filing]** (shown in Figure 2) to enter the live ECF system.



Figure 2

After you have selected [**Begin Electronic Case Filing**], the ECF *Welcome* screen appears as depicted in Figure 3.

Alternatively, Filing Users may enter the ECF system directly by typing the following URL into the location field of their ECF-compatible web browser: <http://ecf.tned.uscourts.gov>.

This URL connects you directly to the Court's ECF screen depicted in Figure 3. Point and click on the [**District Version 1 Live System**] hyperlink to open the login screen and log into ECF.

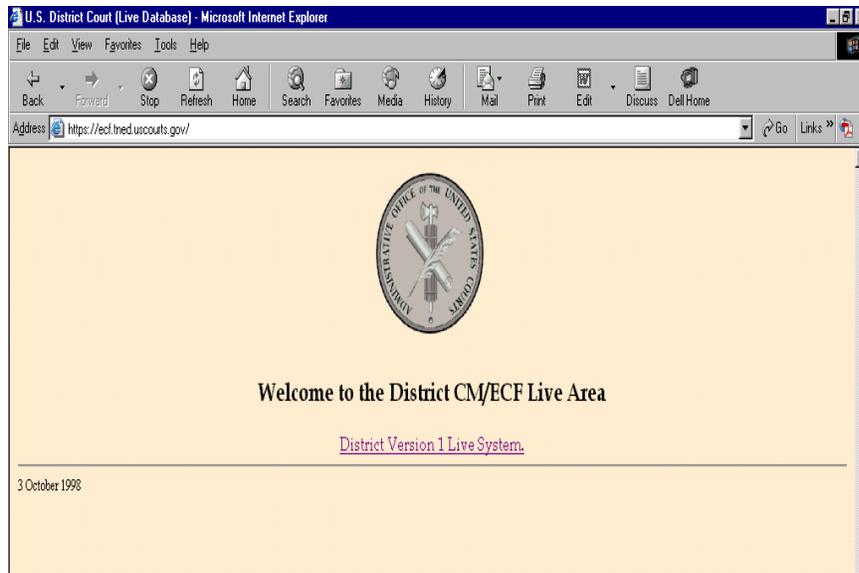


Figure 3

B. HOW TO LOG IN

To log into the system, you must have a login and password. Instructions for obtaining a login and password are on pages 1:3. If you have not received e-mail notification from the Clerk's Office of a login and password, you are not yet officially registered in ECF. Please contact the ECF Help Line for assistance. (p. 1:1).

Figure 4 depicts the login screen.

Address <https://ecf.tned.uscourts.gov/cgi-bin/login.pl>

ECF/PACER Login

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

Instructions
Enter your ECF login and password for electronic filing capabilities. If you do not need filing capabilities, enter your PACER login and password. If you do not have a PACER login, contact the PACER Service Center to establish an account. You may register online at <http://pacser.psc.uscourts.gov> or call the PACER Service Center at (800) 676-6856 or (210) 301-6440.

An access fee of \$0.07 per page, as approved by the Judicial Conference of the United States at its September 1998 session, will be assessed for access to this service. All inquiries will be charged to your PACER account. If you do not need filing capabilities, enter your PACER login and password. The Client code is provided to the PACER user as a means of tracking transactions by client. This code can be up to thirty two alphanumeric characters long.

Authentication

Login:

Password:

client code:

CM/ECF has been tested and works correctly with Netscape 4.6x and 4.7x, and Internet Explorer 5.5

Figure 4

Enter your ECF login name and user password in the appropriate data entry fields. All ECF login names and passwords are case-sensitive so you must type them exactly as they appear in the e-mail from the Clerk's Office. The client code field is provided so that when using PACER, attorneys may track usage by client for billing purposes.

NOTE: Use your **ECF** login and password if you are entering the system to file a document or to maintain your account. If you only wish to enter ECF to query the database for case information or to view a document, enter your **PACER** login and password. As discussed on page 1:2-1:3, there is a charge of 7 cents per page for viewing, printing and/or downloading case dockets and documents. The maximum amount you will be charged is \$2.10 or 30 pages viewed, printed or downloaded.

Verify that you have entered your ECF login and password correctly. If not, click on the [**Clear**] button to erase the login and password entries and re-enter the correct information. After you enter the correct login and password, click on the [**Login**] button to transmit your user information to the ECF system.

- If the ECF system does not recognize your login and password, it will display the following error message on the screen:
Login failed - either your login name or key is incorrect.
- Click on the browser [**Back**] button and re-enter your correct login and password.

After ECF accepts your login and password, your monitor will display the Main ECF screen with a **blue** functional selection menu bar at the top. (See Figure 5.)



Figure 5

NOTE: The date and time *you last logged into the system* appears at the bottom-left corner of this screen. You should review this information each time you log in. If you believe the date and time of your last log in are not correct, or you suspect an unauthorized party is using your login and password, telephone the ECF Help Desk (p. 1:1) with this information as soon as possible, and confirm with a faxed message.

C. SELECTING ECF FEATURES

ECF provides the following features that are accessible from the *blue* menu bar at the top of the opening screen.

- Civil** - Select [**Civil**] to electronically file all civil and miscellaneous case pleadings, motions, and other court documents. If filing in a miscellaneous case be sure to select “mc” as the case type.

- Criminal** - Select [**Criminal**] to electronically file all criminal case pleadings, motions, and other criminal court documents.

- Query** - [**Query**] ECF by specific case number or party name to retrieve information and documents that are relevant to the case. You must log into PACER before you can query ECF.

- Reports** - Choose [**Reports**] to retrieve cases-filed reports and docket sheets. You must log into PACER before you can view an ECF report.

- Utilities** - View your personal ECF transaction log and maintain personal ECF account information in the [**Utilities**] area of ECF

- Logout** - Provides the means to gracefully exit from ECF, and prevents further filing with your password until the next time you log in.

CHAPTER V

GENERAL RULES AND MANIPULATIONS

Filing Users will use the Civil events feature of ECF to electronically file and docket with the Court a variety of pleadings, motions, and other documents for civil cases. Filing Users will use the criminal events feature to file and docket with the Court a variety of pleadings, motions and other documents for criminal cases.

A. MANIPULATIONS

1. Manipulating the Screens

Each event screen has two buttons:

- **[Clear]** button clears all characters entered in the box(es) on that screen.
- **[Next]** or **[Submit]** accepts the entry just made and displays the next entry screen, if any.

2. Correcting a Mistake



Use the **[Back]** button on the browser toolbar to go back and correct an entry made on a previous screen. However, once the document is transmitted to the Court, only the Court can make changes or corrections. You may use the **[Back]** button of your browser to correct data entry until you see the “Attention” warning message. **Once you click on the next button after seeing this message you will have no further opportunity to go back and correct any mistakes.**

B. GENERAL RULES

1. Signatures; Unsworn and Sworn Documents

- a. Attorney signature. The Filing User log in and password required to submit documents to the ECF system shall serve as that Filing User’s signature for purposes of Fed. R. Civ. P. 11 and for all other purposes under the Federal Rules of Civil Procedure and the Local Rules of this Court. All electronically filed documents must include an “s/” followed by the typed name of the attorney, e.g., “s/Jane Doe.” All electronically filed documents shall set forth the attorney’s address, telephone number, and BPR number. (*See* ECF Rules and Procedures ¶6, Appendix C.)

- b. Multiple signatures. To file documents containing the signature of more than one person, the Filing User shall: (1) File a scanned image of the document containing all necessary signatures; or (2) file the document without the requisite signatories but with a representation by the Filing User that all signatories have consented to the filing of the document; or (3) file the document in any other manner approved by the Court. (*See* ECF Rules and Procedures, ¶6, **Appendix C.**)
 - c. Unsworn declaration. Documents which must contain original signatures which require either verification or an **unsworn** declaration under any rule or statute, shall be filed electronically with originally executed copies maintained by the filer. The Filing User who files the document shall retain the document for one year after all time periods for appeal expire. (*See* ECF Rules and Procedures ¶6-7, **Appendix C.**)
 - d. Sworn documents. (e.g., affidavits, notarized documents, etc.) Documents bearing original signatures or notarial seals shall be filed by electronically filing a scanned document containing all necessary signatures. The Filing User who files the document shall retain the original of the document until one year after all time periods for appeal expire. (*See* ECF Rules and Procedures ¶6-7, **Appendix C.**)
 - e. Objections to Authenticity. A party who disputes the authenticity of an electronically filed document containing multiple signatures or third party signatures must file an objection to the document within ten days of the date on the Notice of Electronic Filing. (*See* ECF Rules and Procedures ¶6, **Appendix C.**)
2. Filing Initiating Documents (e.g., complaint, indictment, notice of removal)

Complaints, including civil cover sheets, shall be filed, fees paid, and summons issued and served in the traditional manner on paper rather than electronically. Notices of Removal must be filed on paper in the traditional manner. Charging documents in criminal cases (e.g., criminal complaints, indictments, informations) also shall be filed in the traditional manner on paper. When filing such initiating documents, the Filing User also must submit a disk or CD-ROM containing the documents in PDF format. (*See* ECF Rules and Procedures ¶¶4.3, 4.4, 4.5, **Appendix C.**)

The disk/CD-ROM must be labeled as follows: (1) The name of the filing party, (2) the type of document(s) being filed (i.e., complaint); and (3) the number of documents contained on the disk/CD-ROM. If attachments are filed, they must be separate PDF documents. All documents may be included on one disk or CD-ROM.

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. The notification will include your case number.

The Clerk's Office will issue the summonses. The paper summonses will be returned to you for service or, if appropriate, sent to the U.S. Marshal for service. You must serve the summons as provided in Fed. R. Civ. P. 4. **Summonses cannot be served electronically.** ECF Rules and Procedure, ¶11. When you serve the summons and complaint, you should print the PDF version and serve it so that the line numbers and other formatting match the official, electronically-filed version of the document.

3. Return of Service

Returns of service are to be filed electronically. The Filing User should maintain the original paper version until one year after the period for all appeals expires. (See ECF Rules and Procedures ¶7, **Appendix C.**)

4. Sealed Documents

Documents ordered to be placed under seal shall be filed in paper form, unless otherwise specified by the Court. The filing attorney shall submit the paper document with a disk or CD-ROM, appropriately labeled, containing the document in PDF format. The motion to file the document may be filed electronically. (See ECF Rules and Procedures ¶12, **Appendix C.**)

5. Privacy

To address the privacy concerns created by Internet access to court documents, unless otherwise ordered by the Court, the filing attorney shall modify certain personal data identifiers in pleadings and other papers as follows:

- a. Social security numbers: Use last four digits.
- b. Names of minor children: Use initials.
- c. Dates of birth: Use year of birth.
- d. Financial account numbers: Use last four digits.
- e. Home Address: Use city and state only.

The responsibility for redacting these personal identifiers rests solely with counsel and the parties. The Clerk will not review filed documents to assure compliance with the rule. An unredacted document can be filed under seal upon order of the Court. (See E.D.TN. LR 7.3, **Appendix B.**)

6. Ex Parte Communications

Ex parte communications cannot be filed in ECF because of the electronic notification feature. (*See* discussion at p. 6:14-6:15.) The attorney who wants to make an ex parte communication should contact the judge's chambers or visit the Judicial Preference section on the Court's web site, at www.tned.uscourts.gov for instructions on how the judge prefers to handle ex parte communications.

CHAPTER VI

FILING DOCUMENTS IN ECF

A. TWELVE BASIC STEPS

There are twelve steps to file documents electronically:

1. Select the Case Type from the *blue* menu bar at the top of your screen (Civil or Criminal);
2. Select the type of document to file (e.g., answer, motion, etc.);
3. Enter the case number in which the document is to be filed;
4. Select the Defendant (in criminal filings only);
5. Select the parties for whom the pleading or document is being filed;
6. Associate attorney and party;
7. Select the PDF document to be filed;
8. Add attachments, if any, to the document being filed;
9. Modify docket text as necessary;
10. Submit the document to ECF;
11. Retain Notification of Electronic Filing (NEF);
12. Mail paper copies of document and NEF to any non-registered party.

For purposes of describing the Electronic Filing process and the ECF screens, this section of the User Manual describes the process for filing a Civil Motion in ECF. The process is similar for filing other pleadings/documents in ECF.

1. Select the Case Type
Select **Civil** from the *blue* menu bar at the top of the ECF screen. The Civil Event window opens displaying all of the events from which you may choose for your filing. (See Figure 6 on next page.)

2. Select the Type of Document to File

Click on **[Motions]** under **[Motions and Related Filings]**. (See Figure 6.)



Figure 6

The **Motions** screen appears and displays a motion selection field with a scroll bar next to it. (See Figure 7.) Scroll through the menu until you find the type of motion or application you wish to file. (If the type of motion you are filing is not listed, use **Motion for Miscellaneous Relief**.) For demonstration purposes, highlight **Preliminary Injunction** and click on **[Next]**.



Figure 7

NOTE: To select more than one motion, press and hold down the CTRL key, and click on each of the desired multiple forms of relief. (**Note: Not available in criminal.**) Also, when navigating the Civil and Criminal Menu screens, you can highlight any event then type the first letter of the event you are looking for. This will move you to those events in the menu beginning with the same letter.

A Filing User who wishes to file a document other than a civil motion or application should make the appropriate selection from the Civil or Criminal Events menu. The process for other filings is very similar to what has been described in this manual for filing a motion.

3. Enter the Case Number in which the Document is to be Filed

A new Motions screen opens with a Case Number field. Enter the number of the case for which you are filing a motion, then click the **[Next]** button. If the number is entered incorrectly, click the **[Clear]** button to re-enter the case number, then click the **[Next]** button. (See Figure 8.)



Figure 8

NOTE: ECF defaults to the last case in which you worked. **Ensure the proper case number is entered in this field to avoid filing your document in the wrong case.**

The case number can be entered in two different formats:

- a) If the entire case number is known, it may be entered in the format:
<office>:<case year>-<case type>-<case number> (i.e., 3:03-CV-33).

Office: 1 = Chattanooga
 2 = Greeneville
 3 = Knoxville
 4 = Winchester

Case Type: cv = civil cases
 mc = miscellaneous cases
 cr = criminal cases
 mj = magistrate cases
 po = petty offense cases

- b) You also can simply enter the case year-case number (i.e., 03-33). The system may identify more than one case with that number. Select the appropriate case by clicking on the box next to the case number.

If you submit a case number that is formatted incorrectly, ECF will prompt an error message advising you of the correct format for entering the case number.

Click **[OK]** to acknowledge and close the error message. Click the **[Clear]** button on the screen and re-enter the case number in the correct format. Click on the **[Next]** button.

4. Select the Defendant (**criminal cases only**)

Very Important. If there is more than one defendant in a criminal case, the system will display a Select Defendant screen. Select the defendant for whom the motion applies.

5. Select the party for whom the document is being filed by pointing and clicking on the name of the party. If you represent more than one defendant or plaintiff, hold down the **CTRL KEY** while pointing and clicking on each party you represent. Then click on the **[Next]** button. (See Figure 9.)



Figure 9

NOTE: In rare cases you may need to add a party to the ECF system. If the party you represent is not listed in the “Select a Party” screen, click on **[Add/Create New Party]**. The screen depicted below will appear.



The screenshot shows the ECF system interface. At the top is a dark blue navigation bar with the ECF logo on the left and menu items: Civil, Criminal, Query, Reports, Utilities, and Logout. A yellow question mark icon is on the far right. Below the navigation bar, the page title is "Utility Events" in blue. Underneath, there is a link "3:99-cv-00100 Benson v. Mills, et al" followed by the text "CASE CLOSED on 02/23/1999". The main content area is light yellow and contains a search section titled "Search for a party". It includes a text input field labeled "Last/Business name", two buttons labeled "Search" and "Clear", and a button labeled "End party selection" at the bottom.

Figure 9A

You must perform a search to see if your party is already entered on the ECF system. Type the first few letters of the party’s last name for an individual, or the first few letters of the company name. Click **[Search]**.

If a match is found, ECF will display a list of party names. If the name of the party you represent appears in the list, click on it and then click **[Select name from list]**. Review the party information and select the party’s role in this filing. Click **[Submit]**.

If a match is not found or your party does not appear in the list, click **[Create New Party]**.

ECF Civil • Criminal • Query • Reports • Utilities • Logout ?

Party Information

Last name First name

Middle name Generation Title

Role Pro se

Prisoner Id Office

Unit Address 1

Address 2 Address 3

City State Zip

County Country

Phone Fax

E-mail

Party text

Start date

Attorney... Alias... Review... Add all attorneys and aliases before clicking the Submit button.

Submit Cancel Clear

Figure 9B

- For a company, enter the entire company name in the **Last Name** field. Choose the appropriate **Role** from the drop-down list. Click [**Submit**].
- For an individual, fill out the **Last Name, First Name, Middle Name, Generation** and **Title** fields as appropriate. Choose the appropriate **Role** from the drop-down list. Click [**Submit**].
- Leave all other fields blank.

6. Associate attorney and party. If this is your first filing in a case on ECF, you will need to make an attorney/party association. To do so, click once on the attorney/party association with the party you represent.
7. Select the PDF Document to be Filed. **NOTE:** If you fail to select a document, the system will give you a warning: “You have not selected a document.”

ECF displays a field for locating and entering the PDF file of the document you are filing. (See Figure 10.)



Figure 10

NOTE: It is imperative that you attach an electronic copy of the actual motion when prompted by the system. All documents that you intend to file in ECF **MUST** be in **PDF** format. Otherwise, ECF will not accept the document and Filing Users will be unable to retrieve and read your document from within ECF.

- Click on the [**Browse**] button. ECF opens a window to access the files on your computer or network. If necessary, change the **Files of type** to All Files (*) (The screen depicted below is an example. Your window will be different.) Navigate to the appropriate directory and file name to select the PDF document you wish to file. Highlight the file to upload to ECF. (See Figure 11.)

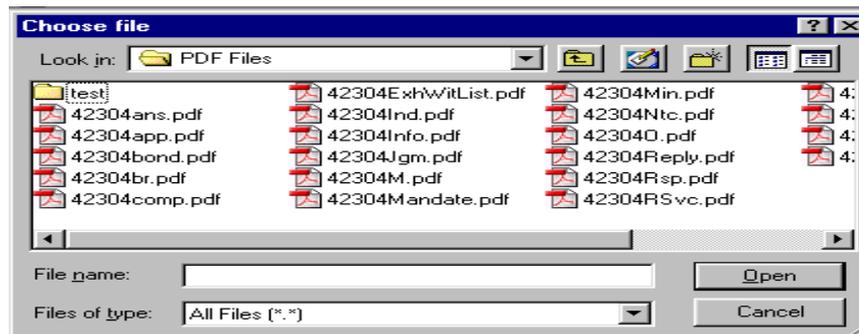


Figure 11

In order to verify that you have selected the correct document, right mouse click on the highlighted file name to open a **quick menu** and left mouse click on **[Open]**. Adobe Acrobat or Acrobat Reader will launch and open the PDF document that you selected. You should view it to verify that it is the correct document. (See Figure 12.)

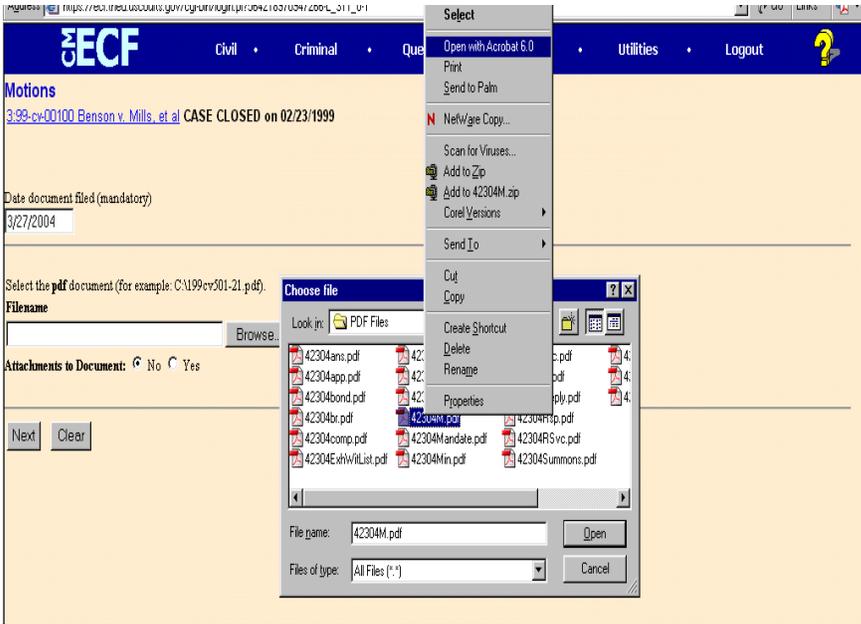


Figure 12

Once you have verified the document is correct, close Adobe Acrobat and click on the **[Open]** button from the screen depicted in Figure 12. ECF closes the **File Upload** screen and inserts the PDF file name and location in the **Motions** screen depicted in Figure 13.



Figure 13

Click on **[Next]**. In the event you selected and highlighted a file that is **not** in PDF format, ECF will display the following error message: **“ERROR: Document is not a well formed PDF document.”** Click on the **[Back]** button and ECF will return to the **Motions** screen. Select and highlight the PDF file of your pleading and proceed as before.

If there are no attachments to the motion, click on **[Next]** and proceed to Section 9, “Modify the docket text as necessary” to proceed with your filing.

If you have attachments to your motion, you will select **[Yes]** on the screen depicted above. Click on **[Next]** and proceed to the first step in Section 8, “**Add attachments, if any, to the documents being filed.**”

8. Adding Attachments to Filings and Exhibits

A Filing User must submit in electronic form all documents referenced as exhibits or attachments in accordance with the Court’s ECF Rules and Procedures unless otherwise ordered by the Court. A Filing User shall submit as exhibits or attachments only those excerpts of the referenced documents that are directly germane to the matter under consideration by the Court. ECF Rules and Procedures, ¶4.6. Excerpted material must be clearly and prominently identified as such. Filing Users who file excerpts of documents as exhibits or attachments under this rule do so without prejudice to their right to timely file additional excerpts or the complete document. Responding parties may timely file additional excerpts or the complete document that they believe are directly germane.

Each referenced attachment or exhibit must be labeled with a proper attachment/exhibit marking and be filed as a separate attachment. (*See* discussion at page 6:10-6:12 of this Manual.)

Filing Users must not attach as an exhibit or attachment any pleading or other paper already on file with the Court, but shall merely refer to that document.

Filed documents, including attachments and exhibits, cannot be greater than 2.5 MB in size. Documents greater than 2.5 MB in size must be divided into separate documents less than 2.5 MB in size. ECF Rules and Procedures, at ¶4.2. If you attempt to file a document greater than 2.5 mb the system will reject it and you will receive this message: “Your documents exceeds 2.5 megabytes - please break it into smaller files.”

NOTE: To check your file size, the document must be closed. Using Windows Explorer, locate the document on your network, right click on it and select Properties. That will show you the size. (1MB=1000KB).

a) Attachments and Exhibits

These documents must be filed according to the following guidelines.

<u>IF THE ATTACHMENT OR EXHIBIT IS</u>	<u>THEN IT SHOULD BE</u>
Any document exceeding 2.5 MB in size	Divided into multiple files less than 2.5 MB in size and filed in ECF.
Exhibits which cannot be scanned (e.g., videotapes, demonstratives, photographs, color documents, etc.)	Filed in the Clerk's Office and a document filed in ECF stating the exhibit was filed with the Clerk's Office.
Trial exhibits.	Filed in paper form during the hearing with the Clerk.

If a relevant portion of a deposition transcript is filed in support of a motion, the transcript shall be filed using ECF or on either a 3.5" disk or CD-ROM in PDF, unless otherwise permitted by the Court.

b) Non-scanned Exhibits

All attachments and exhibits that are referenced in a document and are filed with the Clerk's Office (i.e., videotapes, demonstratives, pre-trial hearing exhibits, large documents, etc.) must have notice of their filing recorded in ECF. The Filing User must create a "Notice of Manual Filing" that contains the name and a description of the attachment/exhibit. (See **Appendix E**.) During the filing of the referencing document, answer "yes" to the attachment question and upload the "Notice of Manual Filing."

If you have multiple non-scanned exhibits you may include them all in a single descriptor PDF format.

If you acknowledged the need to attach documents to your motion during the previous step, a new **Motions** screen appears as depicted in Figure 13.

The screenshot shows the ECF (Electronic Case Filing) interface. At the top, there is a blue navigation bar with the ECF logo and links for Civil, Criminal, Query, Reports, Utilities, and Logout. A yellow question mark icon is also present. Below the navigation bar, the page title is "Motions". Underneath, there is a case reference: "3:99-cv-00100 Benson v. Mills, et al CASE CLOSED on 02/23/1999". The main content area is yellow and contains the following instructions and form elements:

- Select one or more attachments.**
- 1) Enter the pdf document that contains attachment (for example: C:\appendix.pdf).
- Filename**
A text input field followed by a "Browse..." button.
- 2) At your option, select a document type and/or enter a description.
- Type** and **Description**
A dropdown menu for "Type" and a text input field for "Description".
- 3) Add the filename to the list box below. If you have more attachments, go back to Step 1. When the list of filenames is complete, click on the Next button.
- A list box (empty) with "Add to List" and "Remove from List" buttons.
- A "Next" button at the bottom.

Figure 14

NOTE: Whenever it is practical, the Clerk's Office will scan manual filings and enter them into ECF. Once a document is scanned, the electronic version becomes the official record of the court and permits the Clerk of Court to retain, return or discard the original.

Click on [**Browse**] to search for the document file name of the attachment. Next to the field for Attachment **Type**, click on the arrow and ECF opens a drop-down screen. Highlight the type of attachment from the displayed selection.

- To describe the attachment more fully, click in the **Description** box and type a clear and concise description of the attachment, as shown below.
- Click on [**Add to List**]. (See Figure 14A.)

ECF Civil • Criminal • Query • Reports • Utilities • Logout ?

Motions
[3:99-cv-00100 Benson v. Mills, et al](#) CASE CLOSED on 02/23/1999

Select one or more attachments.
 1) Enter the pdf document that contains attachment (for example: C:\appendix.pdf).

Filename

2) At your option, select a document type and/or enter a description.

Type	Description
<input type="text" value="Exhibit"/>	<input type="text" value="Exhibit/Witness List - 1/07/04"/>

3) Add the filename to the list box below. If you have more attachments, go back to Step 1. When the list of filenames is complete, click on the Next button.

Figure 14A

ECF adds the selected document as an attachment to the motion. A new **Motions** screen opens to display the file name of the newly attached document.

- Repeat the sequence for each additional attachment.
- After adding all of the desired PDF documents as attachments, click on **[Next]**. The previous screen closes and ECF opens a new window.

NOTE: With some events, ECF creates and displays a response deadline. The deadline cannot be changed by Filing Users. If the response deadline is different from the deadline required by order of the Court, federal procedure rules, local rules, statute or regulation, the law governs.

9. Modify Docket Text as Necessary

ECF selections determine the filing text that appears on the docket sheet.

- Click on the button in Figure 14 (p. 6:11) to open a modifier drop-down list. You may select one of the words in the drop-down list or leave the field blank.
- Click on the field by the party's name, and type a description of the document that will appear in the docket report. Refer to Figure 15 on next page.

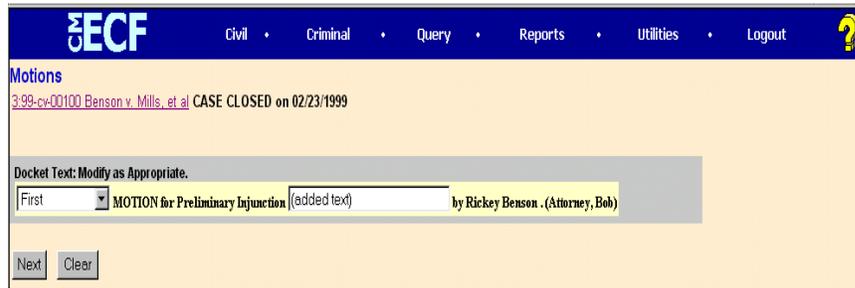


Figure 15

10. Submit Document for Filing

After entering docket text, click on the final approval screen, click on the [Next] button depicted in Figure 15. A new **Motions** window appears (Figure 16), with the complete text for the docket entry.



Figure 16

Review the docket text and correct any errors. If you need to modify data on a previous screen, click the [Back] button on the browser toolbar to find the screen you wish to modify.

If the text is correct, click on the [Next] button to file the document.

11. Retain Notification of Electronic Filing (NEF)

ECF opens a new window displaying the ECF filing receipt, known as the Notice of Electronic Filing CM/ECF. (See Figure 17.)

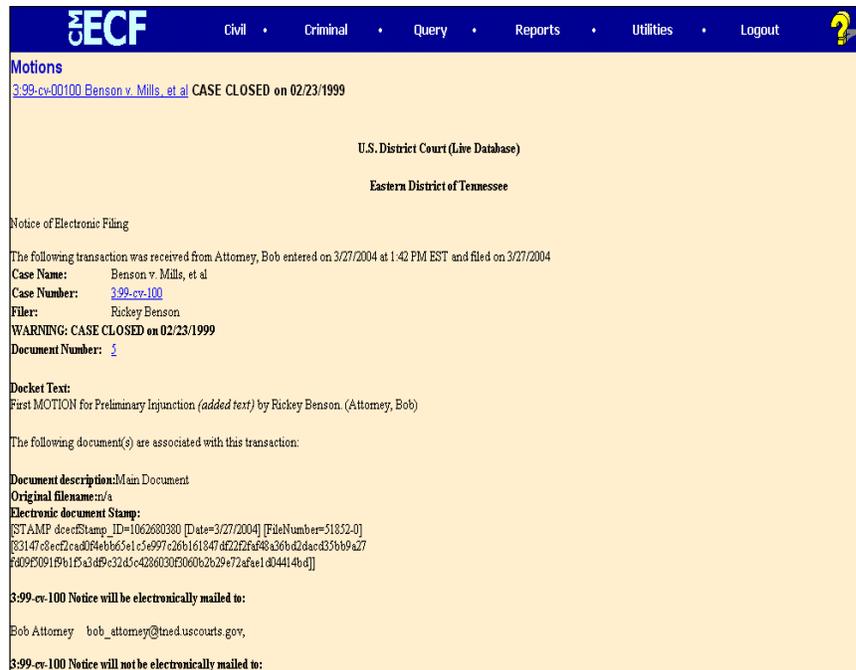


Figure 17

The screen depicted in Figure 17 provides confirmation that ECF has registered your transaction and the document is now an official court record. It also displays the date and time of your transaction and the number that was assigned to your document.

To ensure the documents transmitted arrived in their entirety, it is important to read the documents after they are received by the Court.

The Filing User and other individuals the Filing User has designated to receive e-mail notification of electronic filings, using the Utilities Feature (See discussion of this Feature at pages 9:1-9:4 of this Manual), are permitted one “free look” at the document by clicking on the associated hyperlinked document number embedded in the NEF. The hyperlink to access the document will expire after the earlier of these two events: the first use or 15 days. Any time that same hyperlink is accessed after it has expired, the user will be asked for a PACER login and will be charged to view the document. Viewing attachments and subsequent retrieval of the case docket sheet or document from ECF must be made through your PACER account and is subject to regular PACER fees.

If prompted to put in a login or password, this means the system thinks you have had one free look. To avoid this, do not forward an e-mail notification to another e-mail address, and do not open the NEF and close it without using the link to view, download, or print the document. As discussed in the section on the Utilities Feature, page 9:3, you can add up to approximately ten e-mail addresses. You should add a second e-mail address because one additional address also gets one free look.

In a criminal case, only attorneys of record can view documents via the NEF.

Individuals who receive electronic notification of a filing in a criminal case are permitted one “free look” at the document by clicking on the associated hyperlinked document number embedded in the Notice of Electronic Filing. Clicking on the link will prompt the user to enter first their ECF login and password, then their PACER login and password, to confirm their status as attorney of record. Once this authentication has been completed, the document will be displayed.

12. Mail Paper Copies of Pleading to Any Non-registered Party

The NEF also displays the names and addresses of individuals who will *not* be electronically notified of the filing. It is the **filer’s** responsibility to serve hard copies of the pleading/document and the NEF to attorneys and pro se litigants who are not yet registered for electronic notification. The attorney should print the electronically filed PDF document and serve it on the non-filing users so that the format and pagination are the same as the electronically filed, official court document.

B. CERTIFICATE OF SERVICE

A certificate of service in accordance with the Fed. R. Civ. P. 5(d) is still required when a party files a document electronically. The certificate must state the manner in which service was accomplished on each party and should be included as the final page of the document. You may use the “Mailing Info for a Case” feature in ECF under “Utilities,” Mailings...” to obtain information regarding which parties are registered users of ECF and which parties require service by regular mail. (*See* p. 9:5 for discussion and **Appendix F** for a sample certificate of service.)

C. FILING OTHER TYPES OF DOCUMENTS

The process for other filings is very similar to what has been described in this Manual for filing a motion.

1. Documents Which Require Leave of Court

If the document you wish to file requires leave of court (e.g., amended complaint), the proposed document shall be attached as an exhibit to the motion. If the motion is granted, the order will direct you to electronically file your document with the Court.

2. Proposed Order

A document submitted in PDF format cannot be modified; therefore, for the convenience of the Court, a proposed order must be in WordPerfect format. All proposed orders must be e-mailed as a WordPerfect attachment to the e-mail addresses below:

Judge R. Allan Edgar	edgar_chambers@tned.uscourts.gov
Judge Curtis L. Collier	collier_chambers@tned.uscourts.gov
Judge Thomas W. Phillips	phillips_chambers@tned.uscourts.gov
Judge Thomas A. Varlan	varlan_chambers@tned.uscourts.gov
Judge J. Ronnie Greer	greer_chambers@tned.uscourts.gov
Judge James H. Jarvis	jarvis_chambers@tned.uscourts.gov
Judge Leon Jordan	jordan_chambers@tned.uscourts.gov
Judge Thomas Gray Hull	hull_chambers@tned.uscourts.gov
Magistrate Judge Dennis H. Inman	inman_chambers@tned.uscourts.gov
Magistrate Judge William B. Carter	carter_chambers@tned.uscourts.gov
Magistrate Judge Clifford C. Shirley	shirley_chambers@tned.uscourts.gov
Magistrate H. Bruce Guyton	guyton_chambers@tned.uscourts.gov

3. Agreed Orders

Agreed orders must be filed in ECF using the [**Agreed Proposed Order**] event under [**Motions**].

4. Answers

By default, ECF uses 20 days or 60 days depending on the defendant's status to calculate the date the answer is due. If a statute, regulation, rule, or order of the Court requires a different answer date, the law governs.

5. Memorandum

If filing a memorandum at a different time than the motion, do not use the motion event to file the memorandum. Click on [**Responses and Replies**] and choose Memorandum.

6. Correspondence

The Civil feature contains a category for correspondence. Please use this event if you file correspondence to the Clerk's Office with your documents.

D. LINKING DOCUMENTS (REFER TO EXISTING EVENT)

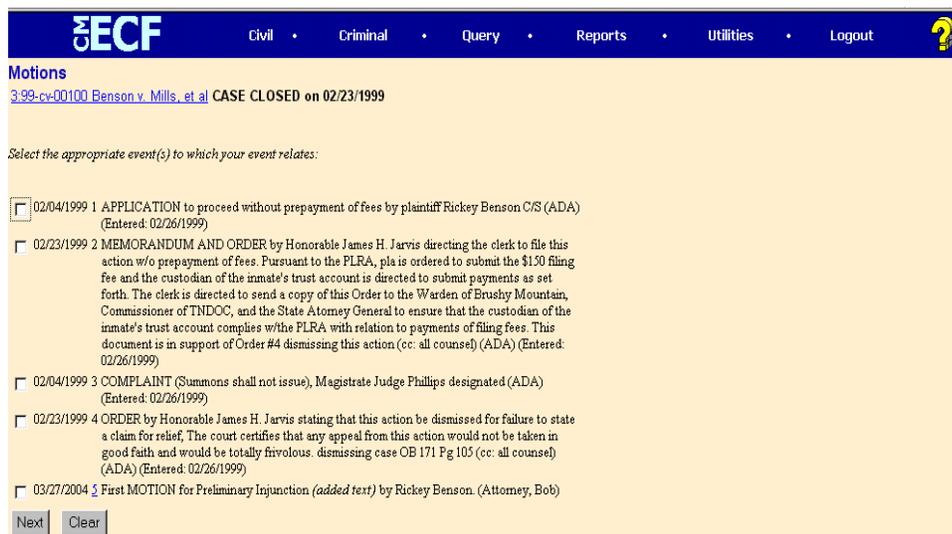
Some pleadings such as motions, responses and briefs should be "linked" to related documents in the case. When filing these and certain other types of documents you will be presented with the following screen. To link the document, check the box in front of the "Refer to existing event(s)?" You also have the option of entering filed dates or document numbers if you would like to further narrow your search and click [Next]. (See Figure18.)



The screenshot shows the ECF system interface. At the top, there is a navigation bar with the ECF logo and links for Civil, Criminal, Query, Reports, Utilities, and Logout. Below the navigation bar, the page title is "Motions" and the case information is "3:99-cv-00100 Benson v. Mills, et al CASE CLOSED on 02/23/1999". The main content area has a heading "Select document to be amended/corrected." and a checkbox labeled "Refer to existing event(s)?". Below the checkbox, there are two rows of input fields: "Filed" and "Documents", each with a "to" field. At the bottom of the form, there are "Next" and "Clear" buttons.

Figure 18

You will be presented with a list of documents that match your search criteria. Click the checkbox for the document you wish to link to and click [Next]. (See Figure 19.)



The screenshot shows the ECF system interface. At the top, there is a navigation bar with the ECF logo and links for Civil, Criminal, Query, Reports, Utilities, and Logout. Below the navigation bar, the page title is "Motions" and the case information is "3:99-cv-00100 Benson v. Mills, et al CASE CLOSED on 02/23/1999". The main content area has a heading "Select the appropriate event(s) to which your event relates:". Below the heading, there is a list of documents with checkboxes. The first document is "02/04/1999 1 APPLICATION to proceed without prepayment of fees by plaintiff Rickey Benson C/S (ADA) (Entered: 02/26/1999)". The second document is "02/23/1999 2 MEMORANDUM AND ORDER by Honorable James H. Jarvis directing the clerk to file this action w/o prepayment of fees. Pursuant to the PLRA, pla is ordered to submit the \$150 filing fee and the custodian of the inmate's trust account is directed to submit payments as set forth. The clerk is directed to send a copy of this Order to the Warden of Brushy Mountain, Commissioner of TNDCC, and the State Atomey General to ensure that the custodian of the inmate's trust account complies w/the PLRA with relation to payments of filing fees. This document is in support of Order #4 dismissing this action (cc: all counsel) (ADA) (Entered: 02/26/1999)". The third document is "02/04/1999 3 COMPLAINT (Summons shall not issue), Magistrate Judge Phillips designated (ADA) (Entered: 02/26/1999)". The fourth document is "02/23/1999 4 ORDER by Honorable James H. Jarvis stating that this action be dismissed for failure to state a claim for relief, The court certifies that any appeal from this action would not be taken in good faith and would be totally frivolous. dismissing case OB 171 Pg 105 (cc: all counsel) (ADA) (Entered: 02/26/1999)". The fifth document is "03/27/2004 5 First MOTION for Preliminary Injunction (added text) by Rickey Benson. (Attorney, Bob)". At the bottom of the list, there are "Next" and "Clear" buttons.

Figure 19

E. APPEALS

Notices of Appeal must be filed on paper with an electronic copy on disk or CD ROM accompanied by the filing fee.

CHAPTER VII

QUERY FEATURE

Registered participants should use this feature to query the ECF system for specific case information. To enter the Query mode, click on **[Query]** from the *blue* menu bar of ECF which opens up the **PACER Login** screen. You must enter your **PACER login** and password before ECF permits you to query the ECF database.

NOTE: Your PACER login and password are different from your ECF login and password. You must have a PACER account in order to retrieve, view, and print certain documents. As of July 2002, you will be charged a fee of 7 cents per page to access documents, docket sheets, etc., from ECF. The maximum amount you will be charged is \$2.10 or 30 pages viewed. You will not receive a bill from the PACER Service Center until you have incurred charges in excess of \$10.

A. SELECTING A CASE TO QUERY

After you enter your PACER login and password, ECF opens a Query data entry screen as depicted in Figure 20. If you know the number that the Court has assigned to the case, enter it in the **Case Number** field and click on the **[Run Query]** button. ECF opens the query screen depicted in Figure 20.

The screenshot shows the ECF Query interface. At the top is a blue navigation bar with the ECF logo and links for Civil, Criminal, Query, Reports, Utilities, and Logout. Below the navigation bar is a yellow search area titled "Query". The search area contains several input fields and a dropdown menu. The "Case Number" field is pre-filled with "3:99-cv-100" and includes examples "99-500, 1:99cv500". Below it are "Filed Date" and "Last Entry Date" fields, each with a "to" field. The "Nature of Suit" dropdown menu is open, showing options: "0 (zero)", "110 (Insurance)", and "120 (Contract Marine)". Below the dropdown are "Last Name", "First Name", and "Middle Name" fields. The "Last Name" field includes examples "Desoto, Des*"). At the bottom of the search area are "Run Query" and "Clear" buttons.

Figure 20

Also, you may query the ECF database by the name of a party or an attorney to the case. Enter the last name of the party in the appropriate field in Figure 20. If more than one person with that name is in the database, ECF returns a screen from which to select the correct name. When you click on the name of the party, ECF will open a query screen. (If the individual is a party to more than one case, ECF will open a screen listing all of the party's cases. Click on the [case number] hyperlink and ECF opens a query screen.)

You may also query a case by the nature of the suit. You must enter a range for either the file date or the last entry date in order for the query to run. To search for all cases of a certain type, use the date 1/1/1970 as the "beginning time." When you run the query, if there is more than one case that meets those criteria, you will get a screen listing multiple case numbers.

After querying the database by case number, name, or nature of suit, ECF opens the **Query** window for the specific case you selected. (See Figure 21.)

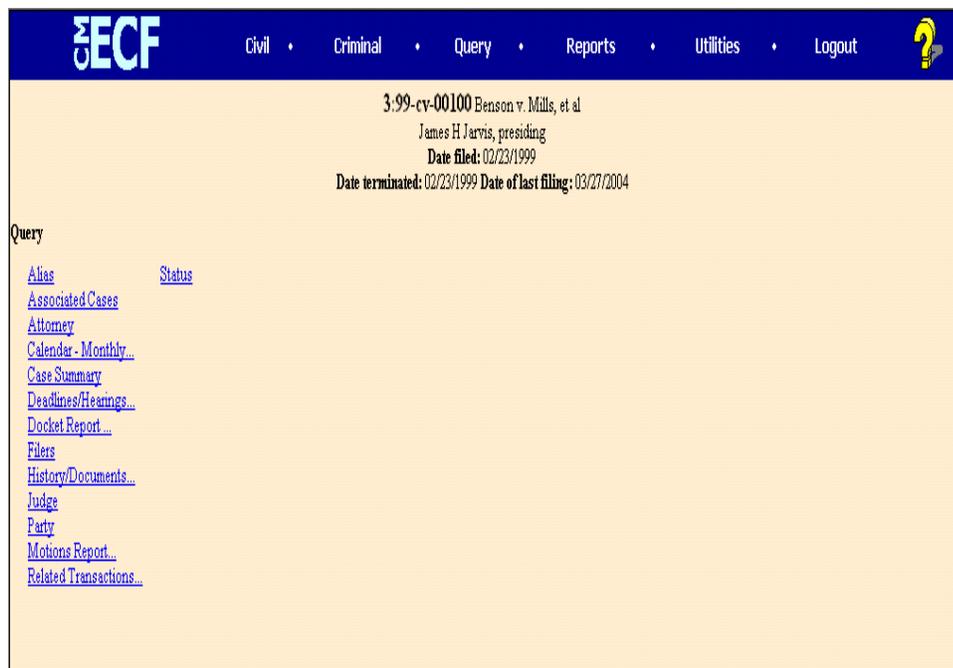


Figure 21

At the top of the window, ECF displays the case number, case title, presiding judge, date that the case was filed, and date of last filing for the case. You may choose specific case information from a large list of query options by clicking on the appropriate hyperlinked name on the screen depicted in Figure 21. The following paragraphs describe several of the available case-specific query options.

B. CASE-SPECIFIC QUERY OPTIONS

1. Attorney

Displays the names, addresses, and telephone numbers of the attorneys who represent each of the parties to the case.

2. Case summary

Provides a summary of current case-specific information.

3. Deadlines/Hearings

Produces a screen that allows you to query the database by various means to obtain hearing and other schedule deadlines.

4. Docket Report

When you select Docket Report, ECF opens the Docket Sheet screen as depicted in Figure 22.

The screenshot shows the ECF Docket Sheet interface. At the top, there is a blue navigation bar with the ECF logo and links for Civil, Criminal, Query, Reports, Utilities, and Logout, along with a help icon. The main content area is yellow and titled "Docket Sheet". It features a "Case Number" field containing "3:99-cv-00100 Benson v. Mills, et al". Below this are two radio buttons: "Filed" (selected) and "Entered", each followed by a "to" label and a date input field. There is also a "Documents" field with a "to" label and a date input field. A list of checkboxes includes "Public docket" (unchecked), "Include terminated parties" (checked), "Include links to Notice of Electronic Filing" (checked), and "Include List of Parties and Counsel" (checked). A "Sort by" dropdown menu is set to "Oldest date first". At the bottom are "Run Report" and "Clear" buttons.

Figure 22

You may select a date range for your docketing report as well as a range of docketing numbers. If you leave the range fields blank, ECF will default to the entire docketing report. Place a check mark in the box to include links to **Notice of Electronic Filing** if you wish to view them from the docket sheet. After you have selected the parameters for your report, click on the **[Run Report]** button. ECF will run your custom docket report.

NOTE: If you are checking a case for recent filings, use “most recent date list” and this will list the filings in reverse chronological order so you do not have to scroll through the entire docket sheet to view the most recent filings.

5. History/Documents

This selection queries the database for case event history and documents associated with the case. After you click on the [**History/Documents**] hyperlink, ECF opens the screen depicted in Figure 22. You may select the sort order for the query report and choose to exhibit all events or only those with documents attached.

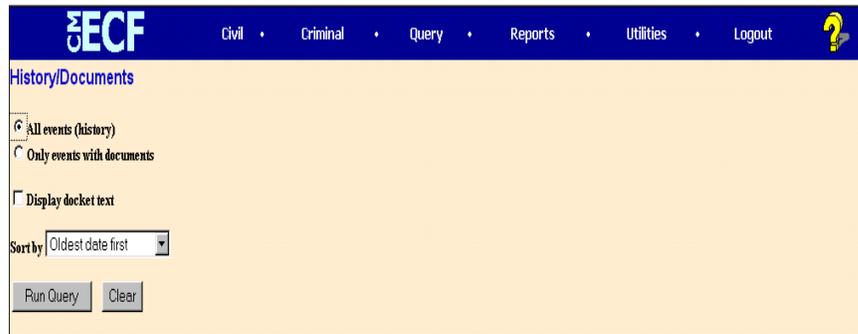


Figure 22

ECF also offers you the option to display the docket text of documents filed in ECF. The “Doc. No.” in the left column are hyperlinks to PDF files of the actual documents. (If the “Doc No.” is not blue, the document has not been filed electronically.) If you did not select “Display Docket Text” the report will display a silver button in the center column. Clicking the silver button will display the full docket text. (See Figure22A.)

Doc. No.	Dates	Description	Private Event	Type Subtype	Docket Part ID
1	<i>Filed:</i> 02/04/1999 <i>Entered:</i> 02/26/1999	Motion for Leave to Proceed in forma pauperis		motion ifp	690432
3	<i>Filed:</i> 02/04/1999 <i>Entered:</i> 02/26/1999	Complaint		cmp cmp	690453
2	<i>Filed:</i> 02/23/1999 <i>Entered:</i> 02/26/1999	Memorandum & Opinion		order memoon	690483

Figure 22A

6. Other Queries

The process for selecting and running other queries in the **Query** feature of ECF is similar to what has been described above.

CHAPTER VIII

REPORTS FEATURE

The Reports feature of ECF provides the user with report options for civil cases, criminal cases, and docket sheets. After selecting the Reports feature from the *blue* menu bar, ECF opens the Reports screen depicted in Figure 23.



Figure 23

You may view Court Calendar Events for a case without logging into PACER. If you select any other option, ECF will ask you to log into PACER.

A. DOCKET SHEET REPORT

This is the same query window that ECF displayed when you selected [**Docket Report**] from the Query feature (Figure 22). Enter the case number for your docket sheet in the Case Number field. Select parameters for the remainder of the data entry fields and click on the [**Run Report**] button. ECF will display a full docket sheet for the case you selected. If you do not need a complete docket sheet, you can narrow the query using the date filed/entered fields. ECF also offers various sorting options from the Docket Sheet query screen.

B. CIVIL CASES REPORT AND CRIMINAL CASES REPORT

These reports provide you with the flexibility to query the ECF database to locate cases electronically filed within a specific date range, or by Nature of Suit and Cause Code.

NOTE: If you are not logged into **PACER**, ECF will display the **PACER** login screen. Log in to **PACER** and ECF will open the [**Civil Cases Report**] screen.

The far-left column of the Cases Filed report contains hyperlinked case numbers. If you click on a particular case number, ECF opens the Docket Sheet report window from which you can retrieve the docket sheet for the selected case. Follow the instructions in the previous section for a Docket Sheet report.

CHAPTER IX

UTILITIES FEATURE

The Utilities feature provides the means for Filing Users to maintain their account in ECF and to view all of their ECF transactions. Figure 24 depicts the opening screen for the ECF Utilities feature.

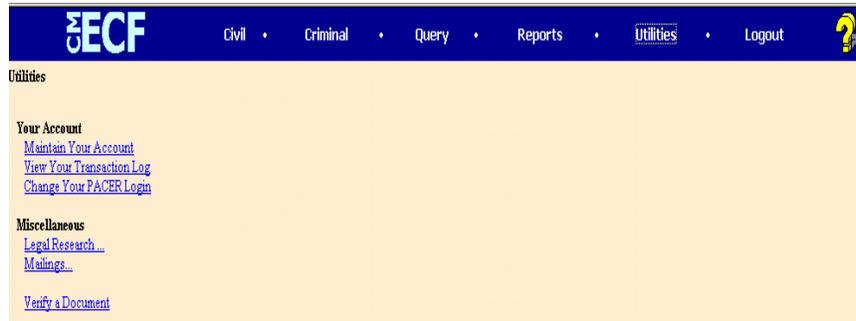


Figure 24

A. YOUR ACCOUNT

This section of the Utilities feature allows you to maintain certain aspects of your ECF account with the Court and to view a log of all your transactions within ECF.

1. Maintain your Account

Click on the **[Maintain Your Account]** hyperlink to open the Maintain User Account information screen. (See Figure 25.)

The screenshot shows the 'Maintain User Account' form in the ECF system. The form is titled 'Maintain User Account' and is located under the 'Utilities' menu. The form contains the following fields and options:

- Last name:** Attorney
- First name:** Bob
- Middle name:** (empty)
- Generation:** (empty)
- Gender:** Male (dropdown)
- ATTY Type:** All (dropdown)
- Title:** (empty)
- Type atty:** (empty)
- Bar number:** (empty)
- Prisoner id:** (empty)
- Office:** Crescent Moon
- Unit:** (empty)
- Address 1:** 456 Street
- Address 2:** (empty)
- Address 3:** (empty)
- City:** Knoxville
- State:** TN
- Zip:** 37902
- Country:** (empty)
- County:** (dropdown)
- Phone:** (empty)
- Fax:** (empty)
- Initials:** BA
- DOB:** (empty)
- AO code:** (empty)
- End date:** (empty)
- Civil ref style:** (dropdown)
- Criminal ref style:** (dropdown)
- Date sworn:** (empty)
- Status:** Active (dropdown)

Buttons at the bottom of the form include 'Email information...', 'More user information...', 'Submit', and 'Clear'.

Figure 25

This screen displays all of the registration information that is contained within the ECF database. This includes BPR# and Bar status. **DO NOT CHANGE YOUR MAILING ADDRESS OR E-MAIL ADDRESS. CONTACT THE CLERK'S OFFICE TO REQUEST ANY CHANGE OF MAIL ADDRESS.**

Clicking on the [E-mail information] button opens a screen as depicted in Figure 26.

E-mail information for Bob Attorney

Primary e-mail address: bob_attorney@tned.uscourts.gov

Send the notices specified below

to my primary e-mail address

to these additional addresses

Send notices in cases in which I am involved

Send notices in these additional cases

Send a notice for each filing

Send a Daily Summary Report

Format notices: html format for Netscape or ISP e-mail service

text format for cc:Mail, GroupWise, other e-mail service

Return to Account screen | Clear

Figure 26

ECF will e-mail to parties their **Notices of Electronic Filing** based upon the information entered in this screen. Perform the following steps to enter additional e-mail addresses for individuals that you wish ECF to notify.

- From the screen depicted in Figure 26, enter a checkmark by clicking on the box to the left of the line, which reads “to these additional addresses.”
- Enter the e-mail addresses of those individuals you wish to notify concerning ECF activity. This data entry field has a capacity of 250 characters for approximately ten e-mail addresses.

The Court recommends that you set up a secondary e-mail address that is either (1) A central repository address that several people have access to, and/or (2) the e-mail address of someone who works closely with you in your cases (secretary, legal assistant, paralegal). This is a safeguard to ensure that nothing is missed.

NOTE: Individuals will get a “free look” at the document by clicking on the associated hyperlinked number embedded in the Notice of Electronic Filing at their primary e-mail account. If additional, secondary e-mail addresses are added to the account, one “free look” will be available to the first person from the secondary e-mail list who opens the mail message and clicks on the document hyperlink. Other secondary e-mail recipients who click on the hyperlink will be asked for a PACER login and will be charged by PACER the 7 cents per page fee. **It is strongly encouraged that you download the document (print, save on disk, or save on the hard drive) when you first click on the NEF to retrieve the document.**

If desired, registered attorneys can also receive Notices of Electronic Filings in cases in which they are not counsel of record. Perform the following steps to configure ECF to send e-mail notification in cases to which you are not counsel of record.

Enter a check mark by clicking on the box to the left of the line, which reads “**Send notices in these additional cases.**”

Enter the case number(s) of the case(s) regarding which you wish to receive notification. Use the following format: <division number><colon><year case was filed using two digits><dash><case type><dash><case number>, e.g., 2:04-cv-123.

- Designate the format of the ECF notices by selecting your choice from the bottom of the screen.
- If you wish to enter completely new information about your account, use the [Clear] button to clear the fields on this screen. **DO NOT CHANGE YOUR MAILING ADDRESS OR E-MAIL ADDRESS. CONTACT THE CLERK’S OFFICE TO REQUEST ANY CHANGE OF MAIL ADDRESS.**

After updating your account information, click on the [Return to Account screen] button to return to your **Maintain User Account** screen.

To change your password, select the button labeled **More user information**, from the **Maintain User Account** screen. Place your cursor in the **Password** field and delete the asterisks. Type in your new password. ECF displays the actual characters of your new password as you type. When you have completed your interface with ECF from this screen, click on the [Return to Account screen] button to reopen the [Maintain User Account] screen. When you are satisfied that all of your account information is accurate and up-to-date, click on the [Submit] button at the bottom of the [Maintain User Account] screen to submit your changes to ECF. ECF will notify you onscreen that your updates were accepted. **If you changed your password, you must use the new password during your next ECF session.**

2. View Your Transaction Log

From the Utilities screen, click on the [View your Transaction Log] button. ECF opens a screen with two fields for entering the Date Selection Criteria for a Transaction Log Report. Enter the date range for your report and click on the [Submit] button. ECF displays a report of all your transactions in ECF within the date range you specified for Date Selection Criteria. (See Figure 27 on next page for a sample transaction log report.)

Transaction Log			
Report Period: 03/24/2004 - 03/27/2004			
Id	Date	Case Number	Text
121473	03/25/2004 18:41:10	3-99-cv-101	MOTION to Amend/Correct [78] USCA Order by Glenn Hensley. (Attorney, Bob)
121499	03/27/2004 13:42:44	3-99-cv-100	First MOTION for Preliminary Injunction <I>(added text)</I> by Ricky Benson. (Attorney, Bob)

Total Number of Transactions: 2

Figure 27

Use this feature of ECF to review your transactions and to verify that:

1. All of the transactions you entered are reflected in the Transaction Log
2. No unauthorized individuals have entered transactions into ECF using your login name and password.

NOTE: If you believe or suspect that someone is using your login and password without your permission, change your password immediately, then telephone the ECF Help Desk on page 1:1, as soon as possible, and confirm with a faxed message.

3. Miscellaneous

ECF provides three Miscellaneous functions within the Utilities feature of the system.

- Legal Research
- Mailings
- Verify a Document

When you click on the **[Legal Research]** hyperlink from the **[Miscellaneous]** screen, ECF opens a new screen that contains hyperlinks to a Law Dictionary, a Medical Dictionary, and Westlaw via the Internet. This is a pre-packaged option that came with the ECF system. The Court does not endorse any particular service or web site. Select the **[Verify a Document]** hyperlink to open a query screen and enter data in the screen fields to locate a particular document attached to a specific case number. Clicking on the **[Mailings]** hyperlink provides information on who receives the NEF and who does not.

CHAPTER X

LOGOUT

After you have completed all of your transactions for a particular session in ECF, you should exit from the system.



Click on the **[Logout]** hyperlink from the ECF *blue* menu bar. ECF will log you out of the system and return you to the ECF login screen.

APPENDIX A

Local Rule 5.2

LR 5.2 Filing and Service by Electronic Means

(a) Electronic Filing. Pursuant to *Federal Rule of Civil Procedure* 5(e) and *Federal Rule of Criminal Procedure* 49(d), the Clerk's Office will accept documents filed, signed, or verified by electronic means that are consistent with technical standards, if any, that the Judicial Conference of the United States establishes. A document filed by electronic means in compliance with this rule constitutes a written paper for the purposes of applying these rules and the *Federal Rules of Civil and Criminal Procedure*.

(b) Use of Case Management/Electronic Case Files system. At any time during the pendency of a case, the presiding judicial officer may require, absent a showing of good cause, that parties file documents electronically using the Court's Case Management/Electronic Case Files (CM/ECF) system. The Court may also order that all cases of a particular type or description be filed electronically.

(c) Filing by Facsimile. Documents may not be filed by facsimile transmission except with permission of the court, in which case an original shall be promptly substituted.

(d) Electronic Service. Pursuant to *Federal Rule of Civil Procedure* 5(b)(2)(D) and *Federal Rule of Criminal Procedure* 49(b), the Notice of Electronic Filing generated by the Court's Electronic Case Filing System (CM/ECF) shall constitute service of the electronically filed document on persons who have consented to electronic service and waived the right to service by personal service or first class mail.

APPENDIX B

Local Rule 7.3

LR7.3 Redaction of Personal Information from Filed Documents.

Parties shall refrain from including, or shall redact where inclusion is necessary, the following personal identifiers from all unsealed documents filed with the Court, including exhibits thereto, unless otherwise ordered by the Court.

- a. Social Security numbers. If an individual's social security number must be included in a document, only the last four digits of that number should be used.
- b. Names of minor children. If the involvement of a minor child must be mentioned, only the initials of the child should be used.
- c. Dates of birth. If an individual's date of birth must be included in a document, only the year should be used.
- d. Financial account numbers. If financial account numbers are relevant, only the last four digits of these numbers should be used.
- e. Home Addresses. If home addresses must be included in a document, only the city and state should be used.

The responsibility for redacting these personal identifiers rests solely with counsel and the parties. The Clerk will not review filed documents to assure compliance with this rule.

This rule applies to documents filed electronically and to documents filed on paper.

Unredacted documents containing personal identifiers may be filed under seal, but only when necessary to the disposition of an issue before the Court. Such documents may be filed by tendering them to the Clerk with a written request that they be filed under seal pursuant to this rule. Sealed documents will be retained by the Court as part of the record. The Court may require the party to file a redacted copy for the public file.

APPENDIX C

ECF Rules and Procedures

UNITED STATES DISTRICT COURT EASTERN DISTRICT OF TENNESSEE

ELECTRONIC CASE FILING RULES AND PROCEDURES

1. Scope

Unless otherwise provided, these policies and procedures apply to all cases assigned by the Court to the Electronic Filing System.

2. Definitions

- 2.1 "Electronic Filing System" means the Court's automated system for receipt, retention and retrieval of documents filed in electronic form.³
- 2.2 "Filing Error" means an error in submission of a filing to the Electronic Filing System, *e.g.*, a filing with an incorrect case number, with an incorrect docket entry or with the wrong PDF file attached to a docket entry.
- 2.3 "Filing User" means an individual registered with the Court to whom the Court has issued a login and password allowing the individual to access the Electronic Filing System for all permitted purposes.
- 2.4 "Notice of Electronic Filing" means the electronic notice generated by the Electronic Filing System which is e-mailed to participating Filing Users at the time a document is filed with the system. The Notice of Electronic Filing sets forth the time the document is filed, the names of the party and attorney filing the document, the type of document filed, the text of the docket entry describing the document as it will appear on the Court's docket, the name of each recipient of the Notice and an electronic link to the filed document allowing the recipients to retrieve the filed document.
- 2.5 "PACER" ("Public Access to Court Electronic Records") is an electronic public access service established by the Administrative Office of the United States Courts that allows access to federal court records, including those filed through the Electronic Filing System. Any person establishing a PACER account will be able to view, print and download information filed with the Electronic Filing System over the Internet.

³ The system is part of the Case Management/Electronic Case Files ("CM/ECF") application developed for the federal judiciary by the Administrative Office of the United States Courts.

- 2.6 "PDF" means Portable Document Format. PDF is the format in which electronically filed documents must be transmitted to the Electronic Filing System.⁴
- 2.7 "Technical Failure" means a malfunction of the Court's Electronic Filing System or the telecommunications facilities through which the system is accessed which prevents a Filing User from filing a document electronically. Technical Failure does not include a malfunction of a Filing User's computer and/or telecommunications facilities which prevents a Filing User from electronically filing a document.

3. Cases Assigned To The Electronic Filing System

All civil, criminal and miscellaneous cases shall be assigned to the Electronic Filing System.

4. Scope of Electronic Filing

- 4.1 General. Except as expressly provided herein, by local rule, by order of the Court or in exceptional circumstances, including a Technical Failure, a Filing User shall electronically file all documents required to be filed in all civil, criminal and miscellaneous cases.
- 4.2 Maximum Size of Filings. Filed documents cannot be greater than 2.5 MB in size. Documents greater than 2.5 MB in size must be divided into separate documents less than 2.5 MB in size.⁵ *See also Section 4.8.*
- 4.3 Civil Complaints. Civil complaints must be filed by Filing Users on paper in the traditional manner and not electronically and must be accompanied by a disk or CD-ROM containing the document in PDF format.
- 4.4 Removal Documents. Notices of removal must be filed by Filing Users on paper in the traditional manner and not electronically and must be accompanied by a disk or CD-ROM containing the document in PDF format. In addition, an electronic copy of all documents filed in the state court action, as required by 28 U.S.C. § 1441, *et seq*, must be submitted on a disk or CD-ROM in PDF format.
- 4.5 Charging Documents in Criminal Cases. Criminal complaints, indictments and informations must be filed by Filing Users on paper in the traditional manner and not electronically and must be accompanied by a disk or CD-ROM containing the documents in PDF format. The electronic copy of charging documents, including the complaint, information, indictment and superseding information or indictment, shall contain an image of any legally required signature.

4

Documents created in word processing programs can be converted to PDF by either using the word processing program or a separate software program such as Adobe Acrobat Writer. Paper documents can be scanned and converted to electronic PDF documents using the scanner's software. **A Filing User must verify that a document is an accurate representation of the scanned document prior to filing it.** See the User's Manual for further information.

5

See the User's Manual for further information.

- 4.6 Exhibits and Attachments. Filing Users shall file in electronic form all exhibits or attachments referenced in filed documents, unless the Court permits filing in paper form. Filing Users shall submit as exhibits or attachments only those excerpts of the referenced documents that are directly germane to the matter under consideration by the Court. Excerpted material must be clearly and prominently identified as such. The Court may require parties to file additional excerpts or complete documents when it deems it necessary.
- 4.7 Proposed Orders. Proposed orders should NOT be included as an attachment to an electronically filed motion or other request for relief. Proposed orders should be e-mailed as an attachment in WordPerfect format to the judges' chambers. See the User's Manual for e-mail addresses.
- 4.8 Administrative Record in Social Security Cases, State Court Record in Habeas Cases and Other Large Records. The administrative record in social security cases and the state court record in habeas cases shall be filed on paper and not electronically, unless otherwise ordered by the Court. Upon approval of the Court or the Clerk, other large records may be filed on paper and not electronically.

5. Registration and Passwords

Only a registered Filing User may electronically file documents with the Electronic Filing System.

Attorneys practicing before the Court, including those admitted pro hac vice and those authorized to represent the United States, shall, absent good cause shown, register as Filing Users of the Electronic Filing System. Registration shall be in the form prescribed by the Clerk and require each registrant's name, address, telephone number, Internet e-mail address and a confirmation that the attorney is admitted to practice before the Court. Registrants shall also have a PACER account and certify that they have read the Electronic Case Filing Rules and Procedures and will abide by them.

A party to an action who is not represented by an attorney may, with the Court's permission, register as a Filing User solely for purposes of that action. Registration shall be in a form prescribed by the Clerk and require identification of the action as well as the party's name, address, telephone number and Internet e-mail address. If, during the course of the proceeding, the party retains an attorney who is a registered Filing User, the attorney shall, upon entering an appearance, advise the Clerk to terminate the party's Filing User registration.

Registration as a Filing User constitutes consent to electronic service of all documents as provided herein, by the local rules of the Court and by any applicable rule of procedure.

Once registration is completed, the Court will send the Filing User an electronic confirmation of the assignment of a login and password.

No Filing User or other person may knowingly permit a Filing User's login and password to be used by anyone other than an authorized agent of the Filing User.

Filing Users agree to protect the security of their passwords and immediately notify the Clerk if they learn that their password has been compromised. Filing Users may be sanctioned for failure to comply with this provision.

In the event that a Filing User believes that the security of an existing password has been compromised and that a threat to the Electronic Filing System exists, the Filing User shall immediately give notice by telephone to the ECF Help Desk⁶, so the Clerk's Office can render the password invalid. Filing Users giving telephonic notice that a password has been compromised shall also confirm that notice by facsimile transmission to the ECF Help Desk.

6. Signatures

Use of the login and password issued to a Filing User to effect the electronic filing of a document shall serve as the Filing User's signature on that document for all purposes, including those of Fed.R.Civ.P. 11.

Electronically filed documents shall set forth the Filing User's name, address, telephone number and Board of Professional Responsibility registration number. In addition, the Filing User's name shall be typed in the space where the signature would otherwise appear preceded by the symbol "s/".

A document containing the signature of a defendant in a criminal case may, at the option of the presiding judge, be filed: (1) in paper form with an original written signature; or (2) in electronic form as a scanned image of the document containing an image of the defendant's signature.

In order to file a document required to contain the signature of more than one person, the Filing User shall: (1) file a scanned image of the document containing all necessary signatures; (2) file the document without the requisite signatures but with a representation by the Filing User that all signatories have consented to the filing of the document; or (3) file the document in any other manner approved by the Court.

Documents requiring an original signature other than that of the Filing User (e.g., affidavits and declarations) shall be filed by transmitting a scanned image of the document to the Electronic Filing System in PDF format.

A non-filing signatory or party who disputes the authenticity of an electronically filed document containing multiple signatures must file an objection to the document within ten days of the Notice of Electronic Filing.

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Chattanooga: (423) 752-5200 (fax 5205)
Knoxville: (865) 545-4228 (fax 4247)
Greeneville: (423) 639-3105 (fax 7134)
Winchester: (931) 967-7444 (fax 9693)

7. Retention Requirements

An electronically filed document that requires an original signature other than that of the Filing User (e.g., affidavits and declarations) shall be maintained in paper form by counsel representing the party on whose behalf the document was filed for one year after all time periods for all appeals expire. On request of the Court, counsel must provide the original document for review.

8. Effect of Electronic Filing

Electronic transmission of a document to the Electronic Filing System, together with the transmission of a Notice of Electronic Filing from the Court, constitutes filing of the document for all purposes under the Federal Rules of Civil and Criminal Procedure and the local rules of this Court, and constitutes entry of the document on the docket kept by the Clerk under Fed.R.Civ.P. 58 and 79 and Fed.R.Crim.P. 49 and 55.

Each electronically filed document, as stored by the Court, becomes a part of the Court's official record and the filing party is bound by the document as filed. Except in the case of documents first filed in paper form as required under paragraph 4 (which is deemed filed as of the date and time stamped on the paper filing), an electronically filed document is deemed filed as of the date and time stated in the Notice of Electronic Filing generated by the Electronic Filing System.

Filing a document electronically does not alter the filing deadline for that document. In order for a document to be considered timely filed on a deadline date the filing must be completed on the deadline date before midnight (local time) in the division where the case is pending.

9. Electronic Service of Filed Documents

The Notice of Electronic Filing generated through the Electronic Filing System shall, upon transmission by the Court, constitute service of the filed document upon Filing Users participating in a pending action. Parties who are not Filing Users must be served with a paper copy of any electronically filed document in accordance with the applicable federal rule of procedure.

A certificate of service must be included with all electronically filed documents stating that service was made upon Filing Users through the Electronic Filing System and further stating how service was accomplished on any participating party or counsel who was not served through the Electronic Filing System.

Initial documents, such as a complaint and summons in a civil case, must be served in accordance with the applicable rule of procedure.

10. Notice of Court Orders and Judgments

Immediately upon the entry of an order or judgment in a case assigned to the Electronic Filing System, the Clerk shall electronically transmit to Filing Users participating in the case a Notice of Electronic Filing. Electronic transmission of the Notice of Electronic Filing by the Clerk to the participating Filing Users shall constitute notice as required by Fed.R.Civ.P. 77(d) and Fed.R.Crim.P. 49(c). The Clerk shall give notice in paper form in accordance with the

applicable rule of procedure to a party who has not consented to electronic service.

11. Filing and Issuance of Court Documents

All orders, decrees, judgments, notices and other court-issued documents shall be electronically filed in accordance with these procedures. Upon filing such documents will be deemed to have been entered on the Court's docket under Fed.R.Civ.P. 58 and 79 and Fed.R.Crim.P. 49 and 55. Any order or other court-issued document filed electronically without the handwritten signature of a judge or clerk has the same force and effect as if the judge or clerk had signed a paper copy of the document and it had been entered on the docket in paper form.

The Court may enter orders as entries on the Court's docket without filing a separate order in the Electronic Filing System. Such orders are official and binding upon the parties.

The Court may issue warrants or summonses electronically. However, they may only be served in accordance with Fed.R.Civ.P. 4 and Fed.R.Crim.P. 4(c).

A Filing User submitting a document electronically that requires a judge's signature must promptly deliver the document in such form as the presiding judge requires.

12. Sealed Documents

Documents ordered to be placed under seal shall be filed in paper form and not electronically unless specifically authorized by the Court. The paper document shall be accompanied by a disk or CD-ROM containing the document in PDF format. A motion to file documents under seal may be filed electronically. An order of the Court authorizing the filing of documents under seal may be filed electronically. A paper copy of the order allowing documents to be filed under seal shall be attached to the documents when the documents are submitted to the Clerk for filing.

13. Technical Failures

A Filing User whose filing is made untimely as the result of a Technical Failure may seek appropriate relief from the Court.

14. Filing Errors

The Electronic Filing System will not allow a Filing User to correct a filing after it has been electronically submitted. Filing Users shall report Filing Errors to the Clerk's Office. If appropriate, the Clerk will make an entry in the Electronic Filing System indicating the document was filed in error. Filing Users may be required to re-file the document or file a motion requesting relief.

15. Public Access

Members of the public may review docket sheets and unsealed documents contained in the Electronic Filing System at the Clerk's Office or through the Court's Internet site, www.tned.uscourts.gov, after opening a PACER account.⁷

⁷ Public access to electronic documents filed in criminal cases will not be available until certain software modifications have been completed. Pending those modifications, access shall be limited to counsel for the government and the defendant.

APPENDIX D

ECF Registration Form



United States District Court for the Eastern District of Tennessee

ECF REGISTRATION FORM

This form is used to register for an account on the Eastern District of Tennessee Electronic Filing System (the system). Registered attorneys will have privileges to electronically submit documents and to view the electronic docket sheets and documents. By registering, attorneys consent to receiving electronic notice of filings through the system. The following information is required for registration. (PLEASE TYPE)

Mr. / Mrs. / Ms. (circle one)

First Name: _____ Middle Name: _____ Last Name: _____

Highest state court admitted: _____ BBR#: _____

Are you currently in good standing: Yes No

Firm Name: _____

Address: _____

City, State, Zip: _____

Have you relocated to this address within the past year? Yes No

Telephone Number: () _____ Fax Number: () _____

Internet Mail Address(es): _____

Attorneys seeking to file documents electronically must be admitted to practice in the United States District Court for the Eastern District of Tennessee pursuant to Local Rule 83.5. Please complete which applies.

Date admitted to practice in this Court: Month _____ Date _____ Year _____

If U.S. Department of Justice Attorney check here:

If admitted pro hac vice: Date motion for pro hac vice granted: _____ in case number: _____

If Attorney of Record in MDL action indicate case number: _____

By signing this registration form, the undersigned agrees to abide by all Court rules, orders and policies and procedures governing the use of electronic filing system. The undersigned also consents to receiving notice of filings pursuant to Fed. R. Civ. P. 5(b)&(e) and 77(d) and Fed. R. Crim. P. 49(b)-(d) via the Court's electronic filing system. By signing this form, you certify that you have read the rules and procedures and will abide by them. The combination of user id and password will serve as the signature of the attorney filing the documents. Attorneys must protect the security of their passwords and immediately notify the court if they learn that their password has been compromised by an unauthorized user.

Signature of Registrant

Date

Submit completed Registration Form to:

Chattanooga/Winchester

USDC ECF Registration

900 Georgia Avenue, Room 309

Chattanooga, TN 37402

(423) 752-5200

Knoxville

USDC ECF Registration

800 Market Street, Suite 130

Knoxville, TN 37902

(865) 545-4228

Greeneville

USDC ECF Registration

220 West Depot Street, Suite 200

Greeneville, TN 37743

(423) 639-3105

Once your registration is complete, you will receive notification by e-mail as to your user id and password needed to access the system. Procedures for using the system will be available for downloading when you access the system via the Internet. If you have any questions concerning the registration process or use of the filing system, you may contact the Electronic Filing Help Desk in the Clerk's Office.

Court Use Only:

Login Assigned: _____

Password Assigned: _____

Signature/Date: _____

APPENDIX E

Notice of Manual Filing

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF TENNESSEE

at _____

)	
Plaintiff,)	
)	
v.)	[Case Number]
)	[Judge]
Defendant.)	

NOTICE OF MANUAL FILING

Please take notice that [Plaintiff/Defendant, Name of Party] has manually filed the following document/thing:

[Title of Document/Thing]

This document/thing has not been filed electronically because [insert reason, *e.g.*, it cannot be converted to an electronic document; the Court’s ECF Rules and Procedures provide such documents are to be filed manually; the Court has ordered that the document/thing be filed manually; etc.]

Respectfully submitted,

s/ [Name of Attorney]
Name of Attorney
TN BPR #
Address
Phone number

APPENDIX F

Sample Certificate of Service

Certificate of Service

I hereby certify that on [date], a copy of the foregoing [name of document] was filed electronically. Notice of this filing will be sent by operation of the Court's electronic filing system to all parties indicated on the electronic filing receipt. All other parties will be served by regular U.S. mail. Parties may access this filing through the Court's electronic filing system.

s/ [Name of Attorney]

Name of Attorney

TN BPR #

Address

Phone number