



## **United States District Court District of South Carolina**

### **Electronic Case Filing - Frequently Asked Questions**

#### **What is CM/ECF?**

Case Management/Electronic Case Filing is an electronic filing system that streamlines the process of creating, filing and noticing legal documents by permitting attorneys to file Court documents electronically using the Internet. CM/ECF has the potential to provide substantial savings to attorneys, their clients and the Court while improving access to Court records. Benefits include:

- 24 hour access to file or view documents
- immediate creation of docket entries
- immediate access to updated docket sheets and to the documents themselves
- potential elimination of paper files, which can be misplaced or lost
- potential savings in copying, courier and noticing costs
- ability to store and search documents electronically
- multiple users can view the same file simultaneously

#### **What do I need to file electronically?**

Technical requirements are minimal and inexpensive. All that is needed is access to a personal computer running Windows 95, 98, 2000, NT or XP with:

- the ability to create or convert documents into PDF format. (One or more below)
  - Adobe Acrobat
  - a word processor that can create PDFs
  - a scanner and software to create PDFs
- an internet connection to access ECF and email. Dial-up connections work, but a faster connection (DSL, high speed cable, etc.) is always better.
- an approved internet browser. CM/ECF has been tested and works correctly with Internet Explorer (IE) Version 5.5 and Netscape Versions 4.6x and 4.7x. Although not rigorously tested and certified, CM/ECF also seems to work equally well with Internet Explorer 6.x, Netscape 7.x and Mozilla 1.5.

- PDF Reader software (such as Adobe Acrobat Reader).
- an email account.
- an ECF account.
- a PACER account.

Adobe Acrobat's **p**ortable **d**ocument **f**ile (PDF) format is the key to the system. It makes all documents viewable in their original format on any computer regardless of whether they were scanned or created by a word processor.

### **How does electronic filing work?**

To file electronically, attorneys create documents on their computers just as they normally do. Instead of printing document on paper, however, attorneys save them in portable document file (PDF) format. That way can be read by others with all formatting intact, regardless of the type of computer or word processor used. Attorneys then access the electronic filing system through an Internet provider over the World Wide Web. A Court assigned user identification name and password serves as the attorney's signature for electronically filed documents. Once connected, the attorney indicates:

- the case number that their document applies to
- the party on whose behalf the document is being filed
- the type of document (answer, motion, etc.) being filed.

The document is then sent over the Internet to the Court's computer which immediately sends a receipt back to the attorney's screen, verifying that the document has been received. The receipt can be printed or saved to disk for future reference. The system automatically creates a docket entry and makes both the updated docket sheet as well as the document itself instantly available to anyone with Internet access. The system also sends e-mail notification of the filing to all the parties who desire electronic notice of the filing.

### **What is the cost for using CM/ECF?**

There is no fee associated with the filing aspect of the CM/ECF system. The Judicial Conference of the United States approved an Internet access fee of \$.07 per page in 1998. This access fee applies to information retrieved through the system for all users. Attorneys of record and parties in a case (including pro se litigants) receive one free electronic copy of all documents filed electronically, if receipt is required by law or directed by the filer. No fee is owed until an account holder accrues charges of more than \$10 in a calendar year.

### **How do I get started?**

In order to file electronically, an attorney must be admitted to practice before the Court, have a PACER account and have previously registered to file electronically. The ECF

Registration Form will soon be available from the Clerk's Office or over the Internet from the Court's home page at

[www.scd.uscourts.gov](http://www.scd.uscourts.gov)

A short video titled "An Attorneys' Perspective" an on-line training can also be found at the Court's home page.

### **How do I get help?**

For help using CM/ECF:

- visit the PACER Service Center's web site at <http://pacer.psc.uscourts.gov>
- send email to the PACER Service Center at [pacer@psc.uscourts.gov](mailto:pacer@psc.uscourts.gov)
- call (800) 676-6856 between 8 a.m. and 5 p.m. Central Time.

### **How are electronic documents served?**

The CM/ECF system generates a Notice of Electronic Filing -- an email message containing a hyperlink to the document filed -- whenever a document is filed with the court. It is up to the Court to decide whether this notice can be used to serve parties. Many courts permit this.

### **What am I charged for in CM/ECF?**

Public users of the CM/ECF system are charged 7 cents per page for the results of your search on case specific information. Examples of case specific information are the docket sheet and the PDF copies of filed documents. Public users are not charged for filing documents using CM/ECF. There is a cap of \$2.10 (30 pages) for a single document or case specific report including docket sheets. Each attachment in CM/ECF is considered a separate document. Therefore, the cap will apply to each attachment over 30 pages separately.

### **What constitutes a page in CM/ECF for billing purposes?**

Billable pages are calculated in two ways in CM/ECF. A formula is used to determine the number of pages for an HTML formatted report. Any information extracted from the CM/ECF database, such as the data used to create a docket sheet, is billed using a formula based on the number of bytes extracted. For a PDF document, the actual number of pages are counted to determine the number of billable pages.

Printed report data retrieved from the CM/ECF system will not always match the number of pages billed. The number of pages printed is dependent on individual printer and browser settings. All users are charged equally for the same information

regardless of the browser settings or printer configurations. A transaction receipt and the "Review Billing History" option are provided in each court site for reviewing charges. Also, "Review Transaction History" is available on this site in "Account Information" for reviewing transactions from all courts. The transactions are updated on the PACER Web Site by the middle of each month.

**Is CM/ECF currently available in the District Court of South Carolina?**

Not yet. With an implementation goal of early 2005, the court is developing policies and procedures, providing training, customizing the system and converting data from the existing case management system. Please note that CM/ECF is operational in the South Carolina Bankruptcy Court.

**Will attorneys be able to access the CM/ECF system after the court's regular business hours to file cases and review documents/docket sheets?**

The system is available 24 hours a day, 7 days a week.

**Is the CM/ECF system SSL (Secure Socket Layer) enabled?**

Yes.

**How is filer identity authenticated?**

Authentication is currently completed at login. Each user is required to identify himself/herself by presenting a valid combination of a user id (login) and password. Upon doing so, access to the site is granted.

**How will signatures of documents be handled for documents filed electronically?**

At present, this is a matter for local court rule or order. Most courts are currently treating use of an attorney's unique system login and password as a signature.

**What is a PDF document?**

Documents in **P**ortable **D**ocument **F**ile (PDF) format do not require a copy of the word processing software in order to be viewed. They can be viewed by anyone with a free viewer such as Acrobat Reader, a product of Adobe Systems, Inc. In addition to its cross platform advantage, a PDF document matches very closely the format of the original document in which the PDF document was created. All of the pleadings in the CM/ECF system are stored in PDF format. To view PDF files, you must have a PDF viewing software such as Acrobat Reader, which you may download free from the Adobe Systems Internet website <http://www.adobe.com/products/acrobat>.

### **What is Adobe Acrobat?**

Adobe Acrobat is a commercial software product from Adobe that allows you to view and create documents in PDF format. Adobe, the inventors of the PDF format, can be found at <http://www.adobe.com>. You can also find both the free reader version of the software, which can be used to retrieve documents from CM/ECF, and the writer software, which is one way to create documents for posting to CM/ECF. There are other brands of commercially available software to create PDF files. CM/ECF's only requirement is that filings must be in PDF to be accepted by the CM/ECF system. All documents filed in CM/ECF must be in PDF format. The Federal Judiciary does not endorse any specific software.

### **How do I make a PDF document?**

There are several ways in which you can get a document from a word processing program into the PDF format. The newer versions of some common word processors include the ability to publish a document directly to PDF. In WordPerfect 9, 10, 11 and 12 you can click on "File" and then "Publish to PDF" to convert your WordPerfect file (.wpd) to PDF. MS-Word (up to version XP) does NOT have this capability).

If you've installed Acrobat Writer, you can create PDF files from your word-processing software. Simply print the document and select the printer called "Acrobat PDFWriter" or "Adobe PDF" from the drop down list of available printers. The printer name varies based on the version of Acrobat installed on the computer. That process will actually save a file in PDF format, with a ".pdf" file extension, on your hard drive. Many other vendors besides Adobe provide software to create PDF documents. Please note that the Federal Judiciary does not endorse or recommend any specific PDF software. Since there are so many different applications, and we could not depict instructions for all, we have chosen to depict all our instructions with reference to Adobe.

### **How many users can submit documents at one time?**

There is no fixed limit. Response time and expanded use will ultimately tell the courts what the acceptable limit might be. Enhancements to communications capacity is expected to be an ongoing task to ensure that we meet the needs of users.

### **Will the creator of the docket entry be identified?**

Yes. All entries on the docket can be identified by the name of the person that logged in to the system and submitted the entry. Whether and how an individual filer's name appears in a docket entry may be determined by the court (e.g. full, name, initials, etc).

### **Is there a limit to the number of aliases a party may be assigned in CM/ECF?**

No.

### **How long will it take to transmit/receive documents?**

The time it takes to transmit or receive a document primarily depends on the user's Internet Service Provider (ISP), modem speed, and the size of PDF file being transmitted or received. Generally, the larger the file, the longer it will take to load. CM/ECF will reject documents which exceed 2MB. The CM/ECF system will accept both text and imaged PDF files. The text PDF file is usually the result of saving, or converting, a document from a word processor in PDF format. Generally 80 to 100 pages of converted text will create a file less than 2MB. The imaged PDF file is usually created by scanning a paper document in PDF format. If the image is scanned at **low** resolution, 50 pages of scanned text may be less than 2MB. The file size can be checked in Adobe Acrobat by typing <CTRL> + D for a document summary. File sizes are listed in KB or kilobytes. 1000KB= 1MB.

If your total document is more than 2MB, it will need to be divided into parts and filed as multiple attachments (i.e., Exhibit 3, Part 1 Depo of John Smith, Pages 1-50; Exhibit 3 Part 2 Depo of John Smith, Pages 51-100.)