



**United States District Court**  
District of Connecticut

# **ELECTRONIC FILING POLICIES AND PROCEDURES**

**Revised AUGUST 13, 2018**

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## **INTRODUCTION**

The U.S. District Court for the District of Connecticut requires attorneys to file documents with the Court over the internet using the Case Management/Electronic Case Filing System (“CM/ECF System”).

### **I. THE ELECTRONIC FILING SYSTEM**

#### ***A. Authorization for Electronic Filing***

The Electronic Filing Administrative Policies and Procedures and Local Rule of Civil Procedure 5(a) authorize electronic filing in conjunction with Federal Rule of Civil Procedure 5(d) and Federal Rule of Criminal Procedure 49(e). Pursuant to the Electronic Filing Administrative Policies and Procedures, the following policies and procedures govern electronic filing in this district unless, due to extraordinary circumstances in a particular case, a judicial officer determines that these policies and procedures should be modified in the interest of justice.

#### ***B. Definitions and Instructions***

The following definitions and instructions shall apply to these Policies and Procedures for Electronic Filing:

- The term “document” shall include pleadings, motions, exhibits, declarations, affidavits, memoranda, papers, orders, notices, and any other filing by or with the Court.
- The term “party” shall include counsel of record and a self-represented litigant.
- All hours stated shall be Connecticut time.
- An individual PACER account linked to an attorney’s CM/ECF account permits access to view dockets and documents of publicly available electronic cases as well as access to electronically file in these cases.
- Terminology utilized in these Administrative Procedures discussing “traditionally” filed or submitted documents or pleadings is defined as being presented to the Court or a party in paper or other non-electronic, tangible format.
- As utilized in these Administrative Procedures, “electronically filed” refers to documents filed into CM/ECF over the internet.

#### ***C. Application of Rules and Orders***

Unless modified by an approved stipulation or an order of the Court, all Federal Rules of Civil Procedure, Federal Rules of Criminal Procedure, Local Rules, and Standing Orders of the Court shall continue to apply.

### ***D. Designation of Cases***

Electronic filing is required in all counseled cases. Electronic filing by self-represented and prisoner parties will generally not be permitted at this time, although self-represented non prisoner parties may file a motion for permission to electronically file documents.

### ***E. System Requirements***

While CM/ECF requirements may be set forth more completely in a User's Manual or other Court publication, it is expected that the following hardware and software will be required to electronically file, view and retrieve documents in CM/ECF :

1. A personal computer running a standard Windows platform or MAC OS.
2. An internet provider using Point to Point Protocol (PPP).
3. Internet Explorer version 11.0, or FireFox/Mozilla version 48, 49 or 50, or Safari version 5.1 or 6 only.
4. Software to convert documents from a word processor format to portable document format (PDF) with an Optical Character Recognition (OCR) capability.
5. Software with pdf reading capabilities for viewing documents when accessing them using PACER.
6. Access to a scanner if non-computerized generated documents need to be imaged into a PDF format. If scanned documents can be formatted as OCR text searchable, they should be.
7. An individual PACER account to view docket sheets and electronically filed documents. [NOTE: PACER facilitates electronic access and is the primary interface with CM/ECF for viewing docket sheets and other case information. It also allows access to images of Court documents, if the documents have been electronically filed, and are in the category of documents deemed accessible by the public. All electronic public access to case dockets and documents occurs through PACER. Upon receipt of a Notice of Electronic Filing (NEF), users are permitted one free view of the document associated with the NEF within 15 days after filing. Beyond the 15 day period, appropriate charges will be billed via the user's PACER account.]

## ***F. General Format of Documents Filed Electronically***

### **1. Requirements**

Documents filed electronically must meet the requirements of Fed. R. Civ. P. 10 (Form of Pleadings), Local Rule of Civil Procedure 5 (Service and Filing of Pleadings and Other Papers), Local Rule of Civil Procedure 10 (Preparation of Pleadings), and Local Rule of Civil Procedure 40 (Assignments). Documents filed electronically are also subject to any page limitations set forth by Court order or by Local Rule of Civil Procedure 7 (Motion Practice).

### **2. Font**

As part of the National Archives and Records Administration's (NARA) electronic government (E-Gov) initiative and to facilitate preservation processing and future access to electronic records, electronic records that have been converted to PDF from other word processing software must include embedded fonts to guarantee the visual reproduction of all text as created. All fonts embedded in PDF records must be publicly identified as legally embeddable (i.e., font license permits embedding) in a file for unlimited, universal viewing and printing. PDF records that reference fonts other than the "base 14 fonts" must have those fonts referenced in the record (i.e., as a minimum, subsets of all referenced fonts) embedded within the PDF file.

The base 14 fonts are: Courier (Regular, Bold, Italic, and Bold Italic), Arial MT (Regular, Bold, Oblique, and Bold Oblique), Times New Roman PS MT (Roman, Bold, Italic, and Bold Italic), Symbol, and ZapfDingbats.

### **3. Form**

A key objective of CM/ECF is to ensure that as much of the case as possible is filed electronically. Documents filed electronically must not exceed 75 mb (75,000 kb) in size or, if larger, must be broken into multiple parts. For example, most filings include a primary or main document (e.g., motion) and other supporting items (e.g., memorandum and exhibits). The primary document and each of the supporting documents are deemed separate components of the filing, and each document is uploaded separately in the filing process. Any document having an electronic file size that exceeds 75 mb (75,000 kb) cannot be filed electronically as one document and therefore must be broken into multiple parts of 75mb (or less) each.

The Notice of Manual Filing must be filed electronically to provide notice that something could not be electronically filed.

The following example illustrates the application of this section.

*Counsel seeks to file a motion, a memorandum in support and two exhibits. The motion, memorandum and one of the exhibits are text documents, created in a word processor then published to PDF. In their final form, each document is less than 75 mb. The second exhibit is a 12 foot map that cannot be scanned*

*because of its size, so it must be filed with the Clerk's Office manually and a Notice of Manual Filing must be entered electronically on the docket.*

*When counsel electronically files the documents they will file the motion, the memorandum in support, the text document exhibit and a Notice of Manual Filing to alert the public that one item (the 12 foot map) is filed manually and not electronically. Counsel must physically send the Notice of Manual Filing and the 12 foot map to the Clerk's Office for filing. Counsel must also serve on opposing counsel a copy of the Notice of Electronic Filing (to document that the other pieces were filed electronically), the Notice of Manual Filing and a copy of the 12 foot map.*

## **II. CONSEQUENCES OF FILING DOCUMENTS ELECTRONICALLY**

Electronic transmission of a document consistent with the procedures adopted by the Court shall, upon the receipt of the document by the Clerk of Court, constitute the filing of the document for all purposes of the Federal Rules of Civil Procedure, the Federal Rules of Criminal Procedure and the Local Rules and Standing Orders of this Court, and shall constitute entry of that document onto the docket maintained by the Clerk pursuant to Fed. R. Civ. P. 79, and Fed. R. Crim. P. 49 and 55.

When a document has been filed electronically, the official record is the electronic version of the document as stored by the Court, and the filing party is bound by that document as filed. A document filed electronically is deemed filed at the date and time stated on the Notice of Electronic Filing generated by the Court's CM/ECF server.

A receipt (NEF) acknowledging that the document has been filed will be generated by the Court's server. This receipt (NEF) should be printed as evidence of the date and time the filing occurred. Counsel can verify the filing of documents by accessing and viewing the Court's electronic docket sheet. In the event a document is inappropriately filed, upon proper notification or motion to the Court, the Clerk's Office will make a correction to the docket noting any necessary changes. Notice will be sent to all counsel of record in the event of any material change to an entry submitted by counsel.

Documents filed electronically must be submitted in PDF format and should be OCR text searchable, except as provided in Section XII pertaining to proposed orders.

Filing documents electronically does not alter any filing deadlines. All electronic transmissions of documents must be completed (*i.e.*, received by the Clerk's Office as evidenced by a Notice of Electronic Filing) prior to midnight of the day they are due in order to be considered timely filed that day.

### **III. ELECTRONIC DOCKET**

Upon the filing of a document electronically, a docket entry will be created using the information provided by the filing counsel. The Clerk of Court will modify the docket entry description to comply with quality control standards only where necessary and when deemed appropriate.

#### ***A. Title of Docket Entries***

The party electronically filing a pleading or other document shall be responsible for designating a docket entry title for the document by using one of the docket event categories prescribed by the Court.

#### ***B. Correcting Docket Entries***

1. Once a document is filed and becomes part of the case docket, corrections to the docket are made only by the Clerk's Office or at the direction of the Clerk's Office. CM/ECF will not permit the filing party to make changes to documents or docket entries filed in error once the transaction has been accepted.
2. A document incorrectly filed in a case may be the result of posting the wrong PDF file to a docket entry, selecting the wrong document type from the menu, or entering the wrong case number and not catching the error before the transaction is completed. The filing party should call the Clerk's Office for instructions on what steps should be taken to make a correction in these types of situations.
3. If counsel discovers an error before the entry is quality control reviewed by the Clerk's Office, counsel should contact the Clerk's Office with the case number, type of error, and the document number of the error. If appropriate, the Clerk's Office will make an entry indicating that the document was filed in error. The filing party will be advised if the document needs to be re-filed.

#### ***C. Privacy***

To address the privacy concerns created by internet access to Court documents, litigants should not include sensitive information in any document filed with the Court unless such inclusion is necessary and relevant to the case. If sensitive information must be included, the following personal data identifiers must be partially redacted from the pleading:

1. Names of minor children to the initials;
2. Financial account numbers to the last four digits;
3. Social Security numbers to the last four digits; and
4. Dates of birth to the year.
5. Home Address to City and State (only in criminal cases).



In compliance with the E-Government Act of 2002, a party wishing to file a document containing the personal data identifiers specified above may file an unredacted document under seal, which shall be retained by the Court as part of the record. In lieu of an unredacted copy filed under seal, a party may file a reference list, which must be filed under seal. The reference list shall contain the complete personal data identifier(s) and the redacted identifier(s) used instead in the filing. The reference list may be amended and shall be retained by the Court as part of the record. The Court may, however, still require the filing party to file a redacted copy of the reference list for the public file. In addition, counsel is encouraged to exercise caution when filing documents that contain the following:

1. personal identifying number such as a driver's license number;
2. medical records, treatment and diagnosis;
3. employment history;
4. individual financial information; and
5. proprietary or trade secret information.

The Clerk will not review any pleadings for redaction. Refer to Fed.R.Civ.P. Rule 5.2(a) and Fed.R.Crim.P. Rule 49.1.

#### **IV. SYSTEM AVAILABILITY**

CM/ECF is designed to provide service 24 hours a day. However, counsel are encouraged to file documents in advance of filing deadlines and during normal business hours.

The Clerk's Office staff has been trained to respond to questions regarding CM/ECF and the registration process. Assistance can be provided from 9:00 a.m. to 4:00 p.m. during any day on which the Court is open for business. After-hours, please email [Quality Control](mailto:Quality_Control@ctd.uscourts.gov) at [qualitycontrol@ctd.uscourts.gov](mailto:qualitycontrol@ctd.uscourts.gov) for assistance.

#### **V. PUBLIC ACCESS TO THE ELECTRONIC DOCKET**

##### ***A. Internet Access with a Password***

Any person or organization with a PACER login and password may access the court docket from the Court's internet site at <https://pacer.login.uscourts.gov/csologin/login.jsf?pscCourtId=CTDC&appurl=https://ecf.ctd.uscourts.gov/cgi-bin/showpage.pl?16>. Access to the court docket through the internet site using an individual PACER Login and password will allow viewing and retrieval of the docket sheet and documents on a real-time basis.

1. Public remote electronic access to the court docket for read only purposes is limited to subscribers of PACER. The Judicial Conference of the United States has ruled that a user fee will be charged for remotely accessing certain detailed case information,

such as docket sheets and filed documents, but not for review of calendars and similar general information.<sup>1</sup> Information regarding the current PACER fees is available on the PACER website at <http://www.pacer.gov>.

2. The public can access records in criminal cases not filed under seal or ex parte for any documents filed on or after November 1, 2004. Access to criminal case records filed on or before October 31, 2004 is restricted to counsel of record in the criminal case.

### ***B. Public Access at the Court***

Public access to electronic documents that are not filed as sealed or ex-parte is available in the Clerk's Office Monday through Friday between 9:00 a.m. and 4:00 p.m.

### ***C. Copies and Certified Copies***

Traditional paper copies as well as certified copies of electronically filed documents may be purchased at the Clerk's Office during regular business hours Monday through Friday. The fees for copying and certification will be charged in accordance with 28 U.S.C. § 1914(b).

### ***D. Technical Failures***

If counsel is unable to file electronically and, as a result, may miss a filing deadline, counsel must immediately contact the Clerk's Office to inform the Clerk of the situation. If the problem occurs after hours, an email must be sent to [Quality Control \(QualityControl@ctd.uscourts.gov\)](mailto:QualityControl@ctd.uscourts.gov) . If counsel misses a filing deadline due to an inability to file electronically, counsel may electronically submit the untimely filed document, accompanied by a declaration stating the reason(s) for missing the deadline. The document and declaration must be electronically filed no later than 12:00 noon of the first day on which the Court is open for business following the original filing deadline.

## **VI. REGISTRATION AND EMAIL NOTIFICATION**

### ***A. E-Mail Notification***

As required by this Court's local rules, all counsel and self-represented parties are to include an email address, if available, as part of the signature line on filings. Self-represented parties will be mailed copies of any rulings or orders issued by the Court at the address they provide. If preferred, self-represented filers may receive copies of these rulings and orders electronically, rather than by U.S. Mail, by completing the

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<sup>1</sup>The access fee does not apply to official recipients of electronic documents, i.e., parties legally required to receive service or to whom service is directed by the filer in the context of service under Federal Rules of Civil Procedure. Official recipients will receive the initial electronic copy of a document free to download as they see fit, but if they remotely access the document again, they will be charged the applicable access fee.

[Consent to Electronic Notice by Self-represented Litigant](#) form located on the Court's website, [www.ctd.uscourts.gov](http://www.ctd.uscourts.gov).

### ***B. Completion of Registration Form***

Counsel seeking to file documents electronically must login to their individual PACER account and under Manage My Account, Maintenance tab, select Attorney Admissions/E-File Registration.

### ***C. Passwords***

The court will issue password resets only to attorneys who have been admitted prior to December 11, 2018 in order to link their CM/ECF and PACER accounts.

Once a CM/ECF account is linked to the individual PACER account, passwords can be changed only through PACER.

1. No attorney shall knowingly permit, or cause to permit, his or her password to be utilized by anyone other than an authorized employee of his or her office.
2. Once registered, an attorney shall be responsible for all documents filed with his or her password.
3. An attorney admitted pro hac vice will be emailed directions from the court in order to register for electronic filing through PACER. In the confirmation email the attorney will be given their bar number assignment.

## **VII. ELECTRONIC FILING AND SERVICE OF DOCUMENTS**

### ***A. General Electronic Filing Procedures***

1. Only items that cannot be reduced to the allowable filing size may be filed traditionally with the Clerk's Office. Any such items must be accompanied by a Notice of Manual Filing explaining why it was not filed electronically.
2. The Clerk's Office or any judge of this Court may deviate from these procedures in specific cases without prior notice, if deemed appropriate in the exercise of discretion, considering the need for the just, speedy, and inexpensive determination of matters pending before the Court. The Court may also amend these procedures at any time without prior notice.
3. A document will be deemed timely filed if filed prior to midnight on the date it is due. If, however, the document is directed by the

assigned judge to be filed by a time certain, that specific time, or before, shall be when the document is deemed timely filed.

4. The official Court record shall be the electronic file maintained on the Court's servers along with any traditional documents or exhibits filed in accordance with these procedures or as required by Court rules or policies.

### ***B. Filing - Civil Cases***

1. The complaint should be filed electronically with the fee paid through Pay.gov in the filing process. Payments can be made for the following civil case filing fees:
  - Civil Case Filing/New Complaints,
  - Motion for Admission Pro Hac Vice,
  - Notices of Appeal,
  - Notice of Removal,
  - Petition to Quash IRS Summons,
  - Petition for Writ of Habeas Corpus,
  - Miscellaneous Civil Cases (Motion to Quash/Compel Foreign Subpoena)

Complaints filed by self-represented parties must still be filed in paper. This also includes, fees paid, summonses issued and served.

### ***C. Filing - Criminal Cases***

1. All charging documents including the complaint, information, indictment and superseding indictment shall be filed either in the traditional manner or by providing it to the Clerk's Office in an electronic format.
2. Juvenile criminal matters shall not be filed electronically unless the Court rules that the juvenile shall be tried as an adult after a hearing. Any documents filed in these cases are to be filed traditionally in paper.
3. Access to records in criminal cases not filed under seal or ex parte will be available to the general public for any documents filed on or after November 1, 2004. Access to documents filed on or before October 31, 2004 are restricted to counsel of record in the criminal case.

#### ***D. Service and Notice of Electronically Filed Documents***

The Court will provide electronic notification of Court activity to any party having an email address in the CM/ECF System. Upon registration and the assignment of a login and password, attorneys consent to the electronic notice and service of all documents, and shall make available to the court e-mail addresses for service. (See instructions for Setting Up E-mail Notification on the Court's website: [www.ctd.uscourts.gov](http://www.ctd.uscourts.gov)) Self-represented litigants may consent to electronic notice from the Court or may consent to electronic service by counsel, by completing the required consent form available in the Forms section of the Court's website. Upon the electronic filing of a document by counsel, the CM/ECF System will automatically generate a Notice of Electronic Filing. The NEF is sent to all parties registered to receive filings electronically and contains an electronic link (hyperlink) to the filed document which allows anyone receiving the NEF to retrieve the document through a PACER account. If any party does not have an email address on record with the Court, the filing must be served pursuant to Fed. R. Civ. P. 5 and Fed. R. Crim. P. 49. In addition to receiving e-mail notifications of filing activity, counsel is strongly encouraged to sign on to the CM/ECF System at regular intervals to confirm the accuracy of the docket in their case.

In order to meet the current requirements of Fed. R. Civ. P. 5 and Local Rule 5(c), when service is made on all parties through the court's CM/ECF system, the transmission notice on the Notice of Electronic Filing shall be deemed a sufficient certificate of service.

### **VIII. MANUAL FILINGS**

Counsel otherwise participating in the CM/ECF System may be excused from electronically filing a particular document under certain limited circumstances, such as when the document cannot be reduced to an electronic format. Documents unable to be filed electronically shall contain original signatures and be manually filed with the Clerk of Court and served upon the parties in accordance with the applicable Federal Rules of Civil Procedure and the Local Rules for filing and service of non-electronic documents. Counsel manually filing a document shall be required to electronically file a Notice of Manual Filing as provided in the Forms section of the Court's website, identifying the document being filed manually and setting forth the reason(s) why the document cannot be filed electronically.

### **IX. EXCEPTIONS TO ELECTRONIC FILING OVER THE INTERNET**

The Court has directed that the following types of documents not be filed electronically over the internet, but instead that they be filed in paper without a PDF version on computer disk, and served pursuant to Fed. R. Civ. P. 5(a) in the traditional manner:

- Documents or exhibits that cannot reasonably be converted to the required PDF format;

- Individual Party Consent to Proceed before a U.S. Magistrate judge.

The following documents are to be filed and served in the traditional manner in paper, along with any applicable filing fee, unless otherwise directed by the Court:

- Initial charging documents in criminal cases, except for non-sealed search warrants.
- Notices of Appeal in criminal cases
- *In-camera* documents
- Documents filed in sealed cases

## **X. TRANSCRIPTS**

As of May 15, 2008 Transcripts will be electronically filed in the CM/ECF system in accordance with this [District's Policy on Availability of Transcripts of Court Proceedings](#).

## **XI. SIGNATURES**

### ***A. General***

Documents that must contain original signatures, or that require either verification or an unsworn declaration under any rule or statute, shall be filed with originally executed copies maintained by the filer. The pleading or other document electronically filed shall indicate a signature, e.g., "/s/Jane Doe."

### ***B. Attorney Signature***

Counsel's identification name and password shall constitute counsel's signature for purposes of Fed. R. Civ. P. 11, the Federal Rules of Criminal Procedure and any other purpose for which a signature is required on a document in connection with proceedings before the Court. All documents filed electronically shall include a signature block which contains the attorney's typewritten name, the office address, telephone number, fax number, e-mail address and federal bar number assigned to counsel in compliance with Local Rule of Civil Procedure 10.

In addition, the name of the password registrant under whose password the document is submitted should be preceded by a "/s/" or "s/" or "/s" and typed in the space where the signature would otherwise appear, for example:

/s/ [Name of Password Registrant]  
Name of Password Registrant [attorney's federal bar number]  
Address  
City, State, Zip Code  
Phone: (xxx) xxx-xxxx  
Fax: (xxx) xxx-xxxx  
E-mail: xxx@xxx.xxx

### ***C. Other Signatures***

Several documents may require the signature of non-attorneys, such as documents signed by a grand jury foreperson, a defendant or plaintiff, an affiant, a third-party custodian, a United States Marshal, an officer from Probation, or some other federal officer or agent. Counsel may electronically file these documents as scanned documents containing the signature or as PDF documents containing a “/s/” signature. In the latter instance, counsel shall retain the originally executed document containing the signature.

A document containing the signature of a defendant in a criminal case may be filed in a scanned format that contains an image of the defendant’s signature.

### ***D. Multiple Signatures***

Documents requiring signatures of more than one attorney shall be filed either by submitting a scanned document containing all necessary signatures; by representing the consent of the other attorneys on the document; by filing the document identifying the attorneys whose signatures are required and by the submission of a notice of endorsement by the other attorneys no later than three business days after filing, or in any other manner approved by the Court. In the case of a stipulation or other document to be signed by two or more persons, the filing party or attorney shall retain the hard copy of the document containing the original signature for a period of time provided for in Section XV of this administrative order.

## **XII. ORDERS**

All orders, decrees, judgments, and proceedings of the Court will be filed in accordance with these rules which will constitute entry on the docket kept by the Clerk. Any order signed electronically by a judge, or by the Clerk, or the Clerk’s designee has the same force and effect as if the judge or Clerk had affixed the judge’s or Clerk’s signature to a paper copy of the order and it had been entered on the docket in a traditional manner.

### ***A. Electronic Submission of Proposed Orders***

Electronic submission of proposed orders is to be done in the manner or method as required by the presiding judge. Proposed orders may be attached to an electronically filed motion.

### ***B. Orders Entered by the Court***

If a judge enters an order in paper during a hearing, notice of the order will be distributed electronically after the hearing. If an oral order is entered, an entry will be placed on the docket and distributed electronically.

When mailing paper copies of an electronically filed order to a party who is not a registered participant of the CM/ECF System, the Clerk’s Office will include the Notice of Electronic Filing to provide the non-participant with proof of the filing.

The assigned judge or the Clerk's Office may grant routine orders by a text-only entry upon the docket. In such cases, no PDF document will issue; the text-only entry shall constitute the Court's only order on the matter. The CM/ECF System will generate a "Notice of Electronic Filing" as described in Section II of these procedures.

### **XIII. SEALED**

The filing of documents under seal is governed by Local Rule of Civil Procedure 5(e) and Local Rule of Criminal Procedure 57(b) which permits such filings only with prior leave of the judicial officer.

### **XIV. TRIAL EXHIBITS**

Exhibits filed with the Clerk's Office pursuant to Local Rule of Civil Procedure 83.6 and may be requested by the Court to be submitted on computer disk for use in the Jury Evidence Recording System (JERS) at trial. Counsel submitting exhibits pursuant to Local Rule of Civil Procedure 83.6 may also be required to resubmit those documents in electronic format once they are admitted into the public record.

### **XV. RETENTION OF ORIGINAL DOCUMENTS REQUIRING SCANNING**

All original documents that were scanned into the electronic docket must be maintained by the filer and made available, upon request, to the Court and other parties for a period of five years following the expiration of all time periods for appeals or statutes of limitation.

### **XVI. ADDITIONAL INFORMATION**

Additional information regarding electronic filing can be obtained by calling the Clerk's Office at 203-579-5861 (Bridgeport), 203-773-2140 (New Haven), or 860-240-3200 (Hartford), or by writing to:

Robin D. Tabora, Clerk  
United States District Court  
141 Church Street  
New Haven, Connecticut 06510