



United States District Court District of New Mexico

Case Management/Electronic Case Files (CM/ECF) Overview Information

Case Management/Electronic Case Files (CM/ECF) is the new automated case management and electronic filing system for the District of New Mexico. CM/ECF provides an easy-to-use electronic case filing feature and enables you to view case information and court documents over the Internet. The following provides a brief overview with some of the most common questions and some helpful tips for using the system.

What Does CM/ECF Offer?

CM/ECF allows attorneys to file and view documents from their office, home, or anywhere they have access to the Internet, 24 hours a day. In CM/ECF, documents are automatically docketed as a part of the filing process and are immediately available electronically. The following is a list of some of the features available.

- *24-hour Internet access to documents*
- *Docket Sheets and other reports*
- *Case Query capabilities*
- *Download and print documents directly from the court system*
- *Secure storage of documents*
- *Access to the Court Calendar*
- *Ability to search case in other districts (via PACER)*
- *Ability to search opinions related documents for free (via Document Retrieval System)*
- *Pay filing fees online*
- *Automatic email notice of case activity***
- *Automatic Rule 5 service via email***

What Do I Need to Use CM/ECF?

In order to effectively use CM/ECF, you will need the following items.

- *A personal computer*
- *Word processing software*
- *Internet access (high speed recommended) and a browser*
- *Software to convert or print documents into Portable Document Format (PDF)*
- *Scanning equipment may be useful*

**For those parties in the case with active CM/ECF e-filing accounts

How Does it Work?

CM/ECF only accepts documents in portable document format (PDF). PDF retains the way a document looks, so the pages, fonts and other formatting are preserved. Filing a document with the Court's CM/ECF system is very straightforward. The basic steps of e-filing are as follows:

- 1. Create your document using word processing software.*
- 2. Save/Print the document in PDF format.*
- 3. Log onto the court's CM/ECF system, using your court-issued login and password.*
- 4. Follow the set of simple prompts to provide information about the case, party, and document to be filed.*
- 5. Verify and attach the PDF document and submit it to the court.*
- 6. Save or print the CM/ECF electronic receipt e-mailed from the court confirming that the document was filed.*

Are There Fees?

Yes. While there are no added fees for filing documents over the Internet using CM/ECF; existing filing fees do apply. Electronic access to court data will be available through the Public Access to Court Electronic Records (PACER) program.

Attorneys and litigants receive one free copy of documents filed in their cases; additional copies are available for viewing or downloading at \$0.08 per page. Docket Sheets and case query reports will also be subject to the \$0.08 per page fee. The maximum charge for any individual document or docket sheet is capped at \$2.40 (30 pages). Other reports do not have the 30 page cap for fees.

Directed by Congress to fund electronic access through user fees, the judiciary has set these fees at the lowest possible level sufficient to recoup program costs. Certain categories of filers are exempted from the above mentioned fees. To learn more about these fees and exemptions, please visit our website or the PACER service center website at pacer.uscourts.gov.

You may now pay the fees associated to your filing online through CM/ECF. For more information on paying filing fees online, please visit our website at www.nmcourt.fed.us.

How Will I Sign E-Filed documents?

Using your CM/ECF login and password to file a document is considered to be your signature. Please refer to the CM/ECF Administrative Procedures Manual for more information.

What Changes Should I be Aware of?

The following provides information regarding the areas impacted by CM/ECF.

Mandatory E-filing: E-filing is mandatory for all attorneys as stated in Administrative Order 06-95 and outlined in the CM/ECF Administrative Procedures Manual. Failure to comply with the new procedures may result in disciplinary actions, up to and including sanctions. Copies of the Administrative Order and Procedures Manual can be obtained from our website.

Accounts: The new system requires two separate type of accounts. The first is a CM/ECF account, which is used solely for the filing of documents and case management related functions. This account also controls access to restricted cases and documents in which you are associated. These accounts are only issued to attorneys and qualified Pro Se parties and are processed and maintained locally. The CM/ECF account issued is only valid in the District of New Mexico for the U.S. District Court. If you wish to file in the Bankruptcy Court in New Mexico, the 10th Circuit Court of Appeals, or another U.S District Court you must apply for a separate account with that Court. You may find more information and registration forms on our website.

The second is a PACER account. This type of account is required to view any case related queries, reports and documents and is fee-based. Anyone may apply for a PACER account, including the public. A PACER account is valid in any Federal Court. A firm may choose to obtain and share a single account or obtain an account for each individual. You may find more information and register for a PACER account on the PACER Service Center website at www.pacer.uscourts.gov. Questions regarding PACER accounts, including billing issues, should be directed to the PACER Service Center.

Service and Notice: The following refers to the service of documents not governed by Rule 4, Rule 4.1, or Rule 45 of the Federal Rules of Civil Procedure. Whenever a pleading or other document is filed electronically, CM/ECF will generate a Notice of Electronic Filing (NEF) which is an e-mail verification that the Court received the e-filed document. The NEF is the official notice of the filing to all parties and includes the text of the docket entry, as well as a link to the filed document.

If the recipient is a Participant in CM/ECF, e-mailing of the NEF is the equivalent of service by first class mail. If the recipient is not a Participant in CM/ECF, service must be made under the Federal Rules of Civil and Criminal Procedure. Whenever a pleading or other document is filed in paper form, the filer must serve conventional copies on all parties to the case.

Electronic Record: The electronic record is the official record of the Court and replaces the traditional paper record. The Electronic Record includes documents filed electronically by Participants, as well as documents originally filed in paper format that have been scanned and electronically submitted by the Clerk's Office. Any document in the Electronic Record has the same legal effect as a paper document.

Proposed Orders: Proposed orders SHOULD NOT be filed or submitted to the Clerk or Judges' chambers unless otherwise required by the Judge. When proposed orders are required by the assigned judge, the proposed orders are to be e-mailed to the Judge who is to sign the order. E-mail addresses and chambers-specific requirements are available on the Court's website. The proposed text should be submitted either in the body of the email message or as an attached file in a word processing compatible format, preferably rich text format (RTF). You may find more information about the proposed order procedures in the Administrative Procedures Manual available on our website.

Deadlines: The Court uses midnight (local time) as the cut-off time for purposes of filing timeliness. Filings must be done by midnight of the deadline date to be considered timely.

Text-Only Entries: Disposition of routine matters such as notices of hearing or orders on unopposed or routine motions may be entered on the docket by using a text-only entry. These text-only entries have the same force and effect as if a signed paper document or an e-filed document had been entered on the docket. When a "text-only" entry is made, no PDF document will be created or associated with the entry, and the text of the entry constitutes the Court's only action on the matter. Each text-only docket entry will be clearly labeled to convey that it is a text-only entry and that no documents are attached. The system will still generate a notice to all parties on the case.

Summons: When initiating a new civil proceeding, the participant must prepare the standard Summons for a civil proceeding in a portable document format (PDF) and email them to the Court via a designated email address. The email address and related information is available on our website. The Clerk will process and electronically issue the summons and return it to the party who submitted it via email.

Filing Errors: The Court no longer has the ability to prevent erroneous filings from being noticed or entered on the docket. When an erroneous filing occurs, the filer may contact the Court via the CM/ECF Helpdesk. Upon review of all filings, if the Court identifies an issue, the filer will be notified and directed to take any necessary corrective action. The filer may be notified, via phone or email, even if corrective action is not needed to ensure awareness for future filing activities. If corrective action is needed, the Court may enter a Notice of Deficiency on the docket. The Notice of Deficiency will outline to the filer the issue and what corrective action is needed. The filer will then have a set time to correct the issue. More information may be found on the Court's website.

Courtesy Copies: For the Participants registered on a case electronically and who electronically file their documents, paper courtesy copies of those documents are longer required to be delivered to the Court unless otherwise required by the Judge. For participants not filing documents electronically, the courtesy copy requirements specified in the local rules still apply.

Is Training Provided?

The court provides classroom training at the courthouses and has some basic computer-based training available on the court's website. Please check the court's website regularly for the latest information and list of available classes.

What Can I Do If I Have Questions?

When you have questions, there are resources available to you, including the website and the Helpdesk. The website contains information and documents to help you navigate and understand the system. There is a large repository of Frequently Asked Questions (FAQs) as well as numerous manuals that cover case opening, e-filing, reports, proposed orders and more. In addition to the posted materials, there are also two Helpdesk available to answer any questions that may arise. Website and Helpdesk information are as shown below.

For CM/ECF related questions:

Web: www.nmcourt.fed.us/cmecf
Email: cmecf@nmcourt.fed.us
Phone: 505-348-2075 or 1-866-620-6383
Hours: 8:30 am to 12:00 pm and 1:00 pm to 4:30 pm, Mon – Fri, Mountain Time

For PACER questions, regarding your account and billing:

Web: www.pacer.uscourts.gov
Email: pacer@psc.uscourts.gov
Phone: (800) 676-6856 or (210) 301-6440
Hours: 8:00 am to 5:00 pm, Mon – Fri, Central Time

What Are The Most Common Errors?

Attachments and Exhibits: These documents should be filed in accordance with the practices set down in the ECF Procedures.

Select the Proper Event: An event list is attached to this document and a report showing current events is available within ECF. Please carefully review your choices before filing. It is important to choose the correct event.

Know when to use your ECF login/password vs. the PACER login/password: The ECF login/password is used to file documents. The PACER login/password is used to view docket sheets, use the query function, and use the reports.

Include a Certificate of Service on All Documents: A certificate of service, even when serving electronically, is required under the ECF Procedures.

Open All PDF Documents Before Attaching: Before attaching a document to an ECF entry, review it to make sure the correct document is being attached.

Each Document Should be Filed Separately in ECF: All documents should be filed separately. For example a brief in support of a motion would not be docketed as an attachment to the motion, but as a separate document.

Link to Appropriate Documents: Make sure if your document is related to other documents on the case that they are properly associated/linked during filing.

Choose the Correct Party When Docketing a Document: Be sure to choose the correct party and party role for the document you are filing.

What Can I Do to Minimize The Chance of Making an Error?

Review Docket Entry

- Was the correct event used?
- Does the title of the document match the docket entry?
- Were the correct filer and attorney chosen?
- Are the case number, judge's initials, and case style on the document correct?
- Was the document linked correctly?

Open and Review Document

- Is the document legible?
- Were the attachments added correctly and named properly?
- Was the document filed in the correct case?
- Are the case number, judge's initials, and case style on the document correct?
- Does the signature line contain the /s/ signature?