

## U.S District Court, District of New Mexico

### CM/ECF Implementation - Major Changes

**Mandatory E-filing:** Upon implementation of the CM/ECF system, e-filing will become mandatory for all attorneys as stated in the new Administrative Order and outlined in the new 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 at [www.nmcourt.fed.us](http://www.nmcourt.fed.us).

**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. 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 for the in the District of New Mexico for the U.S. District Court. If you wish to file in the Bankruptcy Court in New Mexico or another U.S District Court you must apply for a separate account in 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](http://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:** Upon implementation the electronic record will be 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.

**Initial Pretrial Report (IPTR):** The Initial Pretrial Report in all civil cases is being replaced by a Joint Status Report and Provisional Discovery Plan (JSR). The Court will soon be ordering JSR's, rather than Initial Pretrial Reports, in all civil cases. For more information, including the JSR form, please visit our website.

## **U.S District Court, District of New Mexico CM/ECF Implementation - Major Changes (Continued)**

**Deadlines:** Upon implementation, the Court will begin using midnight (local time) as the cut-off time for purposes of filing timeliness. Any filing with the Court must be done by midnight of the deadline date to be considered timely.

**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 will be 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 new proposed order procedures in the Administrative Procedures Manual available on our website.

**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) file and email them to the Court via a designated email address. The email address and related information will be 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:** Upon implementation, the Court will no longer have the ability to prevent erroneous filings from being noticed or entered on the docket. When an erroneous filing is occurs, the filer may contact the Court via the CM/ECF Helpdesk (phone: 348-2075 or email: [cmecf@nmcourt.fed.us](mailto:cmecf@nmcourt.fed.us)). 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 will no longer be 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.