



2014

CM/ECF MANUAL

United States District Court | District of Puerto Rico

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## I. ELECTRONIC CASE FILING SYSTEM

- A. **AUTHORITY.** This Manual is published under the authority vested upon the Clerk of Court by Standing Order No. 1 (In the Matter of: Electronic Case Filing) in Misc. No. 03-149(ADC), filed on November 24, 2003.
- B. **INTRODUCTION.** This manual provides instructions on how to use the Case Management Electronic Filing System to file documents with the court, or to view and retrieve docket sheets and documents for all cases assigned to this system. Users should have a working knowledge of web browsers and Adobe Acrobat.
- C. **DEFINITIONS.**
1. The term “document” includes any filings by or to the Court such as pleadings, briefs, complaints, indictments, motions, exhibits, attachments, declarations, affidavits, memoranda, papers, orders, notices.
  2. The term “party” includes both counsel of record and pro se litigants.
  3. A “conventionally filed or submitted” document or pleading is one presented to the Court in paper or other non-electronic, tangible format.
  4. “Electronic Filing” means uploading a pleading or document directly from the registered user’s computer, using the Court’s internet-based system, to file said pleading or document in the Court’s case file. Sending a document or pleading to the Court via e-mail does not constitute electronic filing.
  5. All hours stated correspond to Atlantic Standard Time.
- D. **IN GENERAL.** Unless otherwise authorized by the assigned judge, all documents submitted for filing in civil or criminal cases in this district shall be filed electronically using the Electronic Case Filing System (“the System”), or shall be scanned and uploaded into the System, regardless of the date when the case was originally filed.<sup>1</sup>

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<sup>1</sup> Scanners must be configured for 300 dpi and black-and-white (not color) scanning. The filer is responsible for the legibility of the scanned document. Very large documents (over 10.0 MB) may not upload properly to the System or download within a reasonable amount of time. Such documents must be broken into 10.0 MB segments for electronic filing.

1. Pro se litigants shall not file electronically.
  2. The filing of Social Security cases shall be subject to the limitations explained in Section III of this Manual. While registered attorneys of record will have remote access to documents in Social Security cases, no public access will be granted until further Court order.
  3. Public access to criminal cases is available. Members of the public may view electronic criminal files at the Clerk's Office public access terminals.
- E. HELP DESK. Contact the Court's ECF Help Desk for assistance between the hours of 8:00 am - 5:00 pm, Monday through Friday.

**787 - 772 - 3449**

- F. ACCESS TO ECF INFORMATION AND RESOURCES. For up-to-date information on ECF, visit the U.S. District Court for the District of Puerto Rico's web site at: [www.prd.uscourts.gov](http://www.prd.uscourts.gov)

Click the CM/ECF link (5<sup>th</sup> from left to right on the home page ) to:

1. View or download the Civil Case Opening/Credit Card Module Manual
  2. View the Civil Case Opening/Credit Card Module PowerPoint Presentation
  3. View or download the most recent version of the ECF User's Manual, Civil and Criminal Procedures
  4. Access our CM/ECF web sites (live, training or test)
  5. Self-train on a web-based ECF Tutorial
  6. Obtain materials and information regarding CM/ECF, including:
    - a. Attorney's Civil Events Dictionary
    - b. Attorney's Criminal Events Dictionary
    - c. Notice of Appeal Filing Guide
    - d. CM/ECF Registration Form
  7. Notice to Counsel (CM/ECF Requirements)
  8. Restricted Filing and Viewing Levels Demo
  9. Restricted Filing and Viewing Levels Guide
  10. Standing Orders
  11. Training Schedule and Registration
- G. ECF SYSTEM CAPABILITIES. The Electronic Filing System allows registered participants with Internet accounts and web browsing software to

perform the following functions:

1. Electronically file pleadings and documents in live cases
2. View official docket sheets and documents associated with cases
3. View various reports for cases that were filed electronically

#### H. REGISTRATION

1. In order to obtain access to file electronically, attorneys must complete and sign an Attorney Registration Form. See, Form A. <http://www.prd.uscourts.gov>.
  - a. Passwords will be issued only to attorneys who are members in good standing of the bar of this Court or admitted Pro Hac Vice pursuant to the Local Rules. To be in good standing, an attorney must meet the requirements set forth in Local Civil Rule 83A.
  - b. By way of exception, the Court may grant a monitor or Court-appointed mediator access to file electronically upon request. The Court may limit said access to the term of the order of appointment, filings in a particular case or related cases, and/or the duration of the appointment. In the case of a monitor, he or she must register as a user under a special account.
  - c. The Court may also grant a pro se litigant access to file electronically in a particular case and subject to any other limitations it may deem appropriate, subject to registration as user under a special account.
2. Attorney Registration Forms must be sent to the Clerk's Office by fax, (787)772-3434, or by mail or personal delivery to: Clerk's Office U.S. District Court (Attn: ECF Attorney Registration), Federal Building Room 150, 150 Carlos Chardón Street, San Juan, Puerto Rico 00918-1767.

3. An attorney whose mailing address as submitted in his or her original Attorney Registration Form has changed, shall timely file a notification of said changes. Attorneys may change information such as telephone and facsimile numbers, e-mail address, and password using the System's "Utilities Menu."
- I. **PASSWORDS.** Each attorney admitted to practice in the District of Puerto Rico shall be entitled to one System password. Said password allows the attorney to participate in the electronic retrieval and filing of pleadings and other papers.
1. After submission and processing of the Attorney Registration Form, the Clerk's Office will mail the password information to the attorney via regular first-class mail, or the password may be picked-up in person by the attorney at the Clerk's Office.
  2. After initial registration, an attorney must change his or her password. If an attorney comes to believe that the security of an existing password has been compromised and/or that a threat to the System exists, the attorney must change the password immediately.
  3. No attorney shall knowingly permit or cause to permit his or her password to be utilized by anyone other than an authorized agent and/or employee of his or her office. Counsel may never file pleadings or other papers using another attorney's login and password.
  4. Once registered, an attorney is responsible for all documents filed with his or her password.
  5. An attorney admitted Pro Hac Vice must also register for a password following the procedures set forth in this Manual.
  6. In the event of lost or forgotten logins and passwords new ones will only be provided via regular mail or in person.
- J. **PUBLIC ACCESS TO COURT ELECTRONIC (PACER) ACCESS.** PACER is an electronic public access service that allows users to obtain case and docket information from Federal Appellate, District and Bankruptcy courts, and from the U.S. Party/Case Index. ECF users must have a PACER account in order to use the Query and Report features of the

ECF system.

If you do not have a PACER login, contact the PACER Service Center to establish an account. You may call the PACER Service Center at (800) 676-6856 or (210) 301-6440 for information or to register for an account. Also, you may register for PACER online at <http://pacer.psc.uscourts.gov>

K. **HARDWARE AND SOFTWARE REQUIREMENTS.** The hardware and software needed to electronically file, view and retrieve case documents are the following:

1. A personal computer running a standard platform such as Windows or Macintosh.
2. A PDF-compatible word processor like Macintosh or Windows-based versions of Corel WordPerfect or Microsoft Word
3. An Internet service provider.
4. A Web browser. Internet Explorer 7.0 or 8.0 and Firefox 3.5 are recommended. Some users have had positive experiences with other Web browsers, but those listed here have been tested and certified for compatibility with CM/ECF.
5. Software, such as Adobe Acrobat Writer or pdfFactory, to convert documents from a word processor format to portable document format (PDF). Adobe Acrobat 8 Professional is recommended. Adobe Acrobat 6 or 7 Professional, and Acrobat Writer 5.0 adequately meet the CM/ECF filing requirements.
6. Adobe Acrobat Reader, which is available for free, is needed for viewing PDF documents.
7. A scanner may be necessary to create electronic images of documents not in your word processing system.
8. **PACER Registration** - CM/ECF users must have a PACER account in order to use the Query and Report features of the CM/ECF system. If you do not have a PACER login, contact the **PACER Service Center** to establish an account. You may call the PACER Service Center at (800) 676-6856 or (210) 301-6440 for information or to register for an account. Also, you may register for PACER online at <http://pacer.psc.uscourts.gov>.
9. **REGISTERING FOR ACCESS TO CM/ECF** - Participants will receive a login and password for the CM/ECF upon completion of the Attorney Registration Form. You may find the Attorney Registration Form on our web site at <http://www.prd.uscourts.gov>. Select the link labeled **CM/ECF**, then, select **Materials and Information**

**Regarding CM/ECF.** At the bottom of that menu, you will find the *Registration Form*. Print the form, fill it, and fax it to (787) 772-3434.

**Note: Scanning is only used for documents that cannot be produced electronically. Scanned documents lessen the level of service we provide by slowing down the entire system. We are moving away from the utilization of scanned documents internally and ask you to do the same whenever possible.**

- L. SETTING UP THE ADOBE PDF READER. Users must set up Adobe's Acrobat Reader software to view documents that have been electronically filed on the system. When installing this product, please review and follow Adobe's directions to utilize Acrobat Reader after installation.
- M. PORTABLE DOCUMENT FORMAT (PDF). All documents (e.g., pleadings) must be converted to PDF format before being posted to the Court's Electronic Case Filing (ECF) system. Before sending the file to the court, users should preview the PDF formatted document to ensure it appears in its entirety and in the proper format. Only PDF documents may be filed using the ECF system.
  - 1. How to View a PDF File.
    - a. Start Adobe Acrobat program
    - b. Click File menu > Open
    - c. Click the location and file name of the PDF document to be viewed
    - d. Adobe Acrobat Exchange loads the file and displays it on the screen
  - 2. How to Convert Documents to PDF Format. The conversion process special software such as Adobe Acrobat Writer or FinePrint pdf Factory. Some software (e.g., WordPerfect and Microsoft Word) have Acrobat compatible built-in or available as add-ins. These can be used to convert documents to PDF.

## II. ELECTRONIC FILING AND SERVICE OF DOCUMENTS

### A. FILINGS and SERVICE

#### 1. The Official Court Record.

- a. All motions, pleadings, applications, briefs, memoranda of law, transcripts of proceedings, or other documents in civil and criminal cases, shall be electronically filed in Adobe-Acrobat (.pdf) format, unless otherwise provided in this Manual.
- b. If the filing of a pleading or document requires leave of Court (such as an amended complaint or reply brief in a civil case, or a motion to submit a reply brief in a criminal case), the attorney shall tender the document as an attachment to the motion requesting leave and NOT as a separate document. Upon leave granted, the attorney shall be directed to file the document electronically as a separate docket entry no later than 24 hours or the following working day from such notification.
- c. The official Court proceedings are the electronic files maintained by the Court, including any documents or exhibits filed conventionally pursuant to the procedures set forth in this Manual or Court order. Absent Court order, paper versions of documents delivered to the Clerk's Office shall be destroyed, except that, in criminal cases, the Clerk's Office shall retain all original indictments, petitions to enter pleas of guilty, and plea agreements.
- d. Attorneys must request authorization from the assigned judge to have the paper version of a particular document returned. Authorization, if granted, will be on a submission-by-submission basis. There will be no standing authorizations for the return of all original documents filed by an attorney or office.

#### 2. Exhibits and Attachments

- a. All exhibits and attachments shall be filed electronically.

- b. Filers should electronically image or scan any exhibit that is less than 10.0 MB and submit the exhibit as a PDF file. PDF files of scanned documents take up considerably more space in the system than PDF files of electronically-generated documents. Thus, attachments and exhibits larger than 10.0 MB may be filed electronically in separate segments, duly named and indexed; they may be submitted in conventional (paper) format only by leave of Court. See, Part IV (Conventional Filing) of this Manual.
- c. All documents must be separately scanned and attached. The filer must include a description of each attachment or exhibit in the attachment screen using both type and description. For example,

	<u>TYPE</u>	<u>DESCRIPTION</u>
Affidavit		John Doe
Exhibit	A-1	Contract between ABC Company and XYZ (pages 1-50)
Exhibit	A-2	Contract between ABC Company and XYZ (pages 51-100)
Exhibit	B	Excerpts of Jane Doe's Deposition

- d. Documents scanned in color or containing graphics take much longer to upload. Filers must therefore configure their scanners to scan documents at 300 dpi and in black-and-white, rather than in color. Documents appearing in color in their original form, such as color photographs, may be scanned in color and then uploaded to the System.
- e. Filers are required to verify the readability of scanned documents before filing them electronically.

**B. THE NOTICE OF ELECTRONIC FILING; NOTIFICATIONS AND SERVICE**

- 1. Attorneys shall not e-mail documents directly to the Clerk's Office. E-mailing a document to the Clerk's Office or to the assigned judge shall not constitute "filing" of the document. A document shall not be considered filed, as defined in the Federal Rules of Civil

Procedure, until the ECF system generates a “Notice of Electronic Filing.”

2. Whenever a pleading or other paper is filed electronically, the System automatically generates a “Notice of Electronic Filing” (NEF) to all parties in the case, that is all registered or non-registered users who have provided an e-mail address and to the assigned judge. The filing party must verify that all service has or will be effectuated whether electronically or conventionally. The System’s e-mailing of a NEF is the equivalent of service of the pleading or other paper by first class mail, postage prepaid. Fed. R. Civ. P. 5(b)(2)(E) and (b)(3) (2011).
3. It is presumed that the NEF has reached the recipient’s e-mail address unless it “bounces back” to the System. The filing party is responsible for verifying all notifications through e-mail, the docket activity report, and ECF notifications.
4. A party who is not a registered System user is entitled to a paper copy of any pleading, document or order filed electronically which shall be provided by the filing party in compliance with the Federal Rules of Civil Procedure. When mailing paper copies of documents, the filer must include the Notice of Electronic Filing as proof of its filing. When mailing paper copies of an electronically-filed order, or text-only (non .pdf) docket entry orders, to a non-registered party, the Clerk’s Office will also include the Notice of Electronic Filing as proof of filing.
5. An exempt filer who brings a pleading or document to the Clerk’s Office for scanning and uploading to the System must serve conventional copies on all non-registered parties to the case and should expect some delay in the uploading and subsequent electronic noticing of the document. If time is an issue, filers should consider paper service or service by an alternate means on registered parties, such as e-mail or fax, provided that the recipient has consented in writing to the alternative method. Fed. R. Civ. P. 5(b)(2)(F) (2011); Fed. R. Crim. P. 49(b) (2011).
6. Certificate of Service Required. A Certificate of Service on all parties entitled to service or notice is required when a party filed a document electronically. The certificate must state the manner in

which service or notice was accomplished on each party so entitled. See, Form B of this Manual for sample language.

7. Deadlines and Due Dates

- a. A pleading or document is deemed timely based on the date shown on the notice of electronic filing. Deadlines expire prior to midnight of a pleading's or document's due date, unless otherwise ordered by the Court.
- b. Attorneys are advised that the System-generated response due date is for Court use ONLY and should not be relied upon as an accurate computation of any due date or deadline.
- c. The three-day rule enacted in Fed. R. Civ. P. 6(d) (2011), applicable to the calculation of time in both civil and criminal cases, shall also apply when service is made by electronic means.

C. OPENING NEW CIVIL CASES

Attorneys will open new civil cases pursuant to the procedures set forth in the "CM/ECF Manual for Civil Case Opening/Credit Card Module" (April 2010), available at the Clerk's Office and the Court web site, [www.prd.uscourts.gov](http://www.prd.uscourts.gov). The civil case opening feature allows attorneys to input party and statistical information into the Court's CM/ECF database. A civil case is not formally open until the system generates the notice of electronic filing for the initiating document, that is, a complaint, notice of removal, etc.

- SEALED cases must still be filed conventionally (in paper) either by mail or in person accompanied by the prescribed statutory filing fee.
- The filing "drop box" located at the main entrance to the Federico Degetau Federal Building, is still available for "after hours" conventional filing of NON-SEALED initial pleadings or other documents, as allowed by the Court.

1. Payment of the Statutory Filing Fees.
  - a. Any fee required for the filing of a pleading or paper in the Court is payable by cash, check or money order payable to “Clerk, U.S. District Court,” or credit card. The Clerk’s Office will place a text-only docket entry indicating the payment and receipt of any statutory fees. The Court will not maintain any electronic billing or debit accounts.
  - b. The prescribed statutory filing fee must accompany all complaints whether filed electronically or conventionally (sent by mail or personally delivered to the Clerk’s Office), unless the proceeding is in forma pauperis or the filer is otherwise exempt from payment (for example, where the United States is plaintiff). The System allows attorneys to pay by credit card; file in forma pauperis, or pre-pay other events (such as a notice of appeal or motion to appear pro hac vice).
  - c. Electronic payment of the required fee is prompted by the System during the civil case opening feature. Upon indication that the filer is not exempt from payment, the System loads the authorized online payment process through [www.pay.gov](http://www.pay.gov), which accepts online credit card transactions and generates e-mail confirmation receipts.

**Note: Pay.gov is a site linked to the United States Treasury Department which is used to make secure electronic payments to Federal Government Agencies. The Pay.gov site is available 24 hours a day, 7 days a week (including holidays) for users to submit payments. The technical requirements and procedures for payment of filing fees online is fully explained in the Court’s “CM/ECF Manual for Civil Case Opening/Credit Card Module” (April 2010). The Court provides training to attorneys on an ongoing basis. Training schedules, as well as the Civil Case Opening/Credit Card Module Manual, are posted at the Court’s web site, [www.prd.uscourts.gov](http://www.prd.uscourts.gov).**

**The Court’s ECF System directs users to access the Pay.gov web site to process payments online. No payment information is entered or maintained on the Court’s servers.**

2. Summons and Service of Process.
  - a. Complaints may not be served electronically. The notice of electronic filing does not constitute service of process.

Parties to a complaint must be served pursuant to the applicable Federal Rules of Civil Procedure.

- b. Summons must be completed and electronically filed as attachments to the complaint or other originating pleading.
- c. Summons may not be served electronically but must comply with all requisites of the Federal Rules of Civil Procedure.
- d. The serving party is responsible for scanning and electronically filing the summons returned executed.

3. Signatures.

- a. Non-attorneys. If the original document requires the signature of a non-attorney, the filing party or the Clerk's Office shall scan the original document for electronic filing.
- b. Attorneys. A pleading or other document requiring an attorney's electronic signature shall be signed in the following manner: "s/attorney's name." The correct format for an attorney's electronic signature is,

s/ Judith Attorney  
\_\_\_\_\_  
Judith Attorney, Bar Number: 12345  
Attorney for (plaintiff/defendant)  
ABC Law Firm  
123 South Street  
San Juan, Puerto Rico 00918  
Telephone (787)123-4567  
Facsimile (787)123-4567  
E-mail: [judith\\_attorney@law.com](mailto:judith_attorney@law.com)

Documents filed in conventional format shall bear an original handwritten signature by counsel, a party or other signatory, as appropriate.

- c. Multiple Signatures. When a document, such as a stipulation, contains two or more signatures, the filing party shall initially confirm that the content of the document is acceptable to all signatories. Physical, facsimile, or ECF

signatures are permitted. The filing party shall then file the document electronically utilizing the correct format, e.g., “s/Jane Doe,” “s/John Smith,” etc.

- d. Disputes Concerning Authenticity. Any party who disputes the authenticity of the signature in an electronically filed document or the authenticity of the document itself, must file an objection within seven (7) days of receipt of the Notice of Electronic Filing.
- e. Documents in Criminal Cases. Documents in criminal cases often require the signature of a non-attorney, such as a defendant, a third-party custodian, a United States Marshal, a United States Probation Officer, etc. The Clerk’s Office will scan these documents, upload them to the System and, except as otherwise provided by these procedures or Court order, discard them. The electronically filed document as maintained on the Court’s servers constitute the official version of those documents.

#### D. ORDERS

1. The assigned judge or the Clerk’s Office will electronically file all signed orders. Any order signed electronically has the same force and effect as if a judge had affixed his or her signature to a paper copy of the order and it had been entered on the docket conventionally.
2. Proposed orders may not be combined with a motion as a single document but must be tendered as attachments to a motion. In addition, at the judge’s discretion, proposed orders may be sent to the judge’s mailbox in a format compatible with WordPerfect as e-mail attachments.

Judicial Officers (listed alphabetically)	Mailbox Addresses
BESOSA, Francisco A.	<a href="mailto:PRD_FAB@prd.uscourts.gov">PRD_FAB@prd.uscourts.gov</a>
CARREÑO-COLL, Silvia	<a href="mailto:PRD_SCC@prd.uscourts.gov">PRD_SCC@prd.uscourts.gov</a>
CASELLAS, Salvador E.	<a href="mailto:PRD_SEC@prd.uscourts.gov">PRD_SEC@prd.uscourts.gov</a>
CEREZO, Carmen Consuelo	<a href="mailto:PRD_CCC@prd.uscourts.gov">PRD_CCC@prd.uscourts.gov</a>
DELGADO-COLON, Aida M.	<a href="mailto:PRD_ADC@prd.uscourts.gov">PRD_ADC@prd.uscourts.gov</a>
DELGADO-HERNANDEZ, Pedro A.	<a href="mailto:PRD_PAD@prd.uscourts.gov">PRD_PAD@prd.uscourts.gov</a>
DOMINGUEZ, Daniel R.	<a href="mailto:PRD_DRD@prd.uscourts.gov">PRD_DRD@prd.uscourts.gov</a>
FUSTE, José A.	<a href="mailto:PRD_JAF@prd.uscourts.gov">PRD_JAF@prd.uscourts.gov</a>
GARCIA-GREGORY, Jay A.	<a href="mailto:PRD_JAG@prd.uscourts.gov">PRD_JAG@prd.uscourts.gov</a>
GELPI, Gustavo A.	<a href="mailto:PRD_GAG@prd.uscourts.gov">PRD_GAG@prd.uscourts.gov</a>
LOPEZ, Marcos E.	<a href="mailto:PRD_MEL@prd.uscourts.gov">PRD_MEL@prd.uscourts.gov</a>
McGIVERIN, Bruce J.	<a href="mailto:PRD_BJM@prd.uscourts.gov">PRD_BJM@prd.uscourts.gov</a>
PEREZ-GIMENEZ, Juan M.	<a href="mailto:PRD_PG@prd.uscourts.gov">PRD_PG@prd.uscourts.gov</a>
VELEZ-RIVE, Camille L.	<a href="mailto:PRD_CVR@prd.uscourts.gov">PRD_CVR@prd.uscourts.gov</a>

## E. WRITS, WARRANTS AND SUMMONSES

A filing party moving for issuance of a writ, warrant, or summons should advise the judge that a prompt ruling is required and attach the writ, warrant or summons in .pdf format to the proposed order (if one is needed).

## F. DOCKET ENTRIES

### 1. Entitling Docket Entries

- a. A party who electronically files a pleading or other document is responsible for designating a docket entry title for the document by using one of the docket event categories listed in the Court's Dictionary of Events. See, [www.prd.uscourts.gov](http://www.prd.uscourts.gov).
- b. The user must choose the event that most accurately describes the relief sought.

- c. If multiple grounds for relief are sought, then all of them must be chosen as described in the Attorney's Manual.
- d. System users may contact the Court's CM/ECF Help Desk, (787)772-3449, to clarify doubts concerning what event to use.

## 2. Corrections to the Docket

- a. Once a document is submitted and uploaded the docket entry and the document itself become part of the official Court docket. Therefore, corrections to any docket entry are made only by the Clerk's Office. The system does not allow filers to make changes to any document or docket entry filed in error once the transaction has been accepted.
- b. Incorrectly filed documents in a case should NOT be refiled. Incorrect filings 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.

## G. TECHNICAL FAILURES

### 1. Technical Failure Defined

- a. The Clerk's Office shall deem the District of Puerto Rico CM/ECF site to be subject to a technical failure on a given day if the site is unable to accept filings continuously or intermittently over the course of any period of time greater than one hour after 10:00 a.m., of that day. System outages will be posted on the web site, if possible.
- b. Generally, problems on a filer's end such as those related to phone service interruptions, internet service providers (ISP), hardware and/or software, will NOT constitute a technical failure as defined herein nor excuse an untimely filing.

- 2. Relief Based on a Technical Failure. A filing party whose filing is made untimely as the result of a technical failure of the Court's CM/ECF site may seek appropriate relief from the Court by way of written motion. See, Form C.

### III.PRIVACY

#### A. REDACTED DOCUMENTS

1. Judiciary Privacy Policy. All System users must comply with the Federal Rules of Procedure which implement the E-Government Act of 2002, Pub. L. No. 107-347, and the Judicial Conference policy on privacy and public access to electronic case files. These require that personal identification information be redacted from documents filed with the court –such as, Social Security and taxpayer identification numbers, names of minor children, financial account numbers, dates of birth, and, in criminal cases, home addresses.
2. Judiciary Privacy Policy Concerning Transcripts. Effective May 15, 2008, the District of Puerto Rico implemented the Judicial Conference Policy with Regard to the Availability and Redaction of Electronic Transcripts of Court Proceedings. Pursuant to said Policy during the 90-day period after a transcript is filed, the transcript will be available for viewing free of charge at the public terminal at the courthouse and remotely electronically available to any attorneys of record who purchased a copy from the court reporter. After this initial 90-day period, the transcript will be available for copying in the Clerk’s Office and for download through the system of Public Access to Court Electronic Records (PACER). The Policy establishes a procedure for counsel to request redaction from the transcript of specific personal data identifiers before the transcript is made electronically available to the general public. The Policy is available at the Clerk’s Office and is posted at the Court’s Internet web site at [www.prd.uscourts.gov](http://www.prd.uscourts.gov), together with detailed instructions to request transcripts of Court proceedings.
3. Personal Data Identifiers and Confidential Information. The responsibility for redacting personal data identifiers and confidential information rests solely with counsel. The Clerk’s Office will neither review documents for compliance nor redact any documents, electronic or conventional. Unless otherwise ordered by the Court, filing parties shall omit or, where inclusion is necessary, partially redact, the following personal data identifiers and confidential information from all pleadings, documents, and exhibits, whether filed electronically or conventionally:

- a. Names of minor children (use only initials)
- b. Financial account numbers (identify the name or type of account and financial institution but list only the last four digits of the account number)
- c. Other individual financial information
- d. Social Security numbers (use only the last four digits)
- e. Dates of birth (use only the year)
- f. Home addresses (use only city and state, or Puerto Rico municipality)
- g. Driver's license or other personal identifying numbers
- h. Medical records, treatments and diagnoses
- i. Employment histories
- j. Proprietary or trade secret information
- k. In criminal cases, information regarding and individual's cooperation with the authorities, the victims of any criminal activity, related to national security, or concerning sensitive security as defined in 49 U.S.C. § 114(s)
- l. Any other data or information (as directed by the Court)

## B. UNREDACTED DOCUMENTS

If absolutely necessary, a party may file a document UNDER SEAL containing the unredacted personal identifiers or information listed above using the appropriate restricted viewing level.

## C. RESTRICTED FILING AND VIEWING LEVELS

### 1. The Restricted Filing and Viewing Levels Module

a. The Court has implemented a Restricted Filing and Viewing Levels Module as part of the CM/ECF System, see, Standing Order No. 4 (In the Matter of: Electronic Case Filing) in Misc. No. 03-149(ADC), filed on November 9, 2007, whereby a filing party selects a viewing level for electronically filed pleadings and documents. For further details as to the implementation of and procedures concerning the Restricted Filing and Viewing Levels Module, Standing Order No. 4 and its related materials are available at the Court's web site, [www.prd.uscourts.gov](http://www.prd.uscourts.gov). **Undue restrictions should NEVER be utilized; same will be removed or corrected by the Court.**

### b. Viewing Levels

- (1) Public - the System's default "public" viewing level option allows for everyone to view the document filed without restriction.
- (2) Parties - limits viewing of a document to case participants and Court staff, including the United States Probation Office.
- (3) Selected Parties - allows Court staff to view a document and a filer to select those parties which will have access to the filed document.
- (4) Ex-Parte - only the attorney filing the document and selected Court personnel will be able to view the document filed.

D. Sealed Cases. Depending on their nature, some cases, both civil and criminal, may require private or "SEALED" handling and, as such, will be initiated by a conventional filing accompanied by a one-time-only motion to seal, both of which will be scanned and converted to electronic format by Court staff. A non-exhaustive list of examples of sealed cases are listed in the Court's Standing Order No. 4, available at the Court's web site,

[www.prd.uscourts.gov](http://www.prd.uscourts.gov). Cases initiated UNDER SEAL shall remain so until otherwise ordered by the Court.

#### IV. CONVENTIONAL (PAPER) FILING AND SERVICE OF DOCUMENTS

- A. The Court may authorize the conventional (paper) filing of cases and documents, as discussed in Part III (PRIVACY) of this Manual. Upon application, the Court may also authorize the conventional filing of other documents.
1. Pro Se Filers. Pro se filers who are not registered CM/ECF users shall file paper originals of all complaints, pleadings, motions, affidavits, briefs, and other documents which must be signed or which require either verification or an unsworn declaration under any rule of statute. The Clerk's Office will scan the documents into an electronic file in the system.
  2. Social Security Cases. Absent a showing of good cause, all documents, notices, and orders in social security cases filed in the District Court shall be filed and noted electronically.
    - a. The complaint and other documents typically submitted at the time a social security case is initially filed will be filed electronically and served pursuant to Section II of this Manual.
    - b. Social security transcripts will be filed and served conventionally. The filer will electronically file a Notice of Filing Transcript stating that the transcript is available in paper format at the Clerk's Office.
    - c. All other documents in social security cases will be filed and served electronically, unless otherwise ordered by the Court.
    - d. To address the privacy issues inherent to social security cases, remote electronic access to individual documents is limited to counsel of record and Court staff. However, the Court docket will be remotely electronically available to the general public, which will continue to have access to the filed documents at the Clerk's Office public terminal.

3. Exhibits and Attachments. By leave of Court, a party may conventionally file exhibits or attachments not available in electronic format or which are too lengthy to electronically image or scan, such as those attachments and exhibits larger than 10.0 MB in separate segments. See, Part II of this Manual (Filings and Service: Exhibits and Attachments). When filing exhibits or attachments conventionally, the filer must:
  - a. electronically file a “Notice of Filing Exhibits Conventionally” (FORM D) as an attachment to the main document;
  - b. accompany the exhibits with a paper copy of the “Notice of Filing Exhibits Conventionally.” The Clerk’s Office shall note receipt on the case docket; and,
  - c. serve copies of conventionally filed exhibits to the parties of record.

## V. GENERAL PUBLIC ACCESS TO COURT DOCUMENTS

- A. PUBLIC ACCESS AT THE CLERK’S OFFICE. Electronic access to the docket and all non-restricted documents filed in the System is available to the general public free of charge at the public access terminals located at the Clerk’s Office during regular business hours.
- B. INTERNET ACCESS. Remote electronic access to the System for viewing purposes is limited to registered subscribers to the Public Access to Court Electronic Records (PACER) system. PACER provides internet access to civil cases filed on or after December 2, 1991 (or pending as of that date) and criminal cases filed on or after January 3, 1994. Information in PACER is accurate through the close of business of the previous day. Any person interested in viewing files through PACER, including non-filing persons, may register with the PACER Service Center through their toll-free number, (800)676-6856, or visiting the PACER web site and completing their fax or on-line PACER Registration Forms, [www.pacer.psc.uscourts.gov](http://www.pacer.psc.uscourts.gov). Although there is no registration fee, the Judicial Conference of the United States has established an \$0.10 per page charge or user fee to be collected for access to PACER, with the total for any document, docket sheet, or case-specific report not to exceed the fee for 30 pages – provided that transcripts of federal court proceedings shall not be subject to the 30-page

fee limit. For more information about PACER, a PACER User Manual is available on-line at their web site,  
[www.pacer.psc.uscourts.gov/documents/pacermanual.pdf](http://www.pacer.psc.uscourts.gov/documents/pacermanual.pdf).

- C. CONVENTIONAL COPIES. Copies of any record or document accessed electronically at the public terminal in the Clerk's Office may be purchased at the Clerk's Office for a fee.

## **VI. NON-COMPLIANCE WITH PROCEDURES IN THIS MANUAL**

Non-compliance with the procedures established in the Court's Standing Orders, the CM/ECF Manual, or the Local Rules of this Court (including filing of discovery papers in violation of Local Rule 26) may result in a defective filing and/or entail an order to show cause, sanctions and/or dismissal of a case.