

Elsie-Mae - Good morning, good morning! I am Elsie-Mae, Generalist Supervisor for St. Thomas.

Lana - And I am Lana, Generalist Supervisor for St. Croix! On behalf of Attorney Lake, our Clerk of Court, and the Clerk's Office for the District Court of the Virgin Islands, we are pleased to welcome you to the Annual Attorney Training for CM/ECF! Before we get started, we welcome and encourage YOUR PARTICIPATION! We have a very ENGAGING training for you today. But it's your participation that will truly make this training great. As we move through it, feel free to put questions in the chat so we can address them.

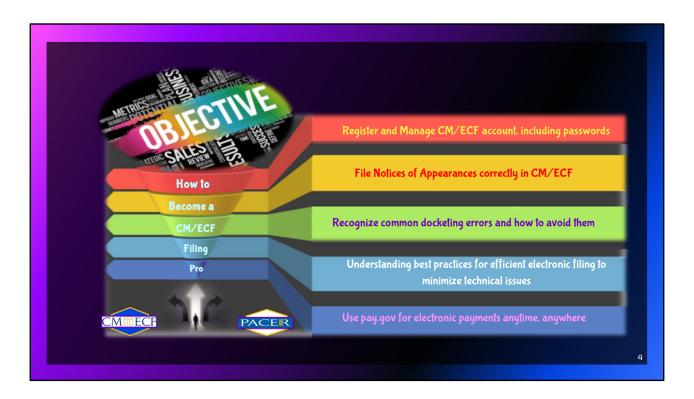
Elsie-Mae - On that note, let's get started.



Elsie-Mae - For the beginning of our training, we will cover refresher pointers and tips and tricks! This includes an overview of CM/ECF, PACER registration and passwords, Filing Notices of Appearance, docketing, how to handle system errors, addressing common docketing errors, and introduction to pay.gov.



Lana - Don't worry, I know that will be a lot of information, and yes, you will have time for a small break! We will then cover more advanced material which includes information related to Sealed filings, Ex Parte functions, and an introduction to Regular Attorney Admissions through PACER Single Sign On.



Lana — We have a few objectives for today. But the primary one is, for you to become an expert at CM/ECF filing! This means you will be super comfortable with maintaining your account in PACER, proper pleading and document filing process, common issues and how to avoid them, navigating technical problems, AND utilizing pay.gov.



Elsie-Mae - Let's do a quick virtual poll

Elsie-Mae - How many of you are attending this training for the first time, and how many are repeat participants? We're glad to have everyone here, whether it's your first time or you're a returning user. We're here to guide you through everything you need to know about NextGen CM/ECF!

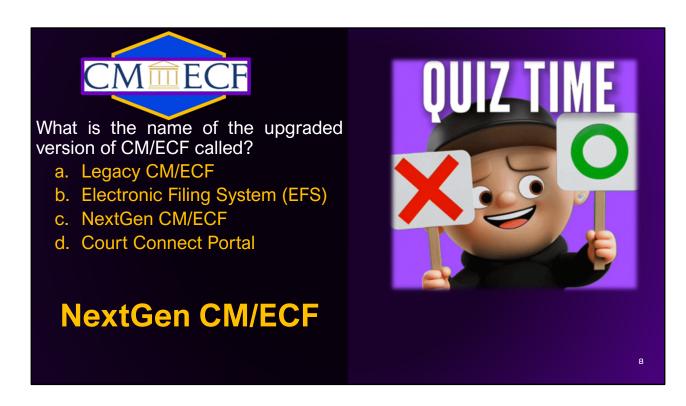


Lana – Let's share some good facts to know about CM/ECF!!

Elsie-Mae – That sounds great! Before we dive deep into the content, let's provide five QUICK things you should know about!



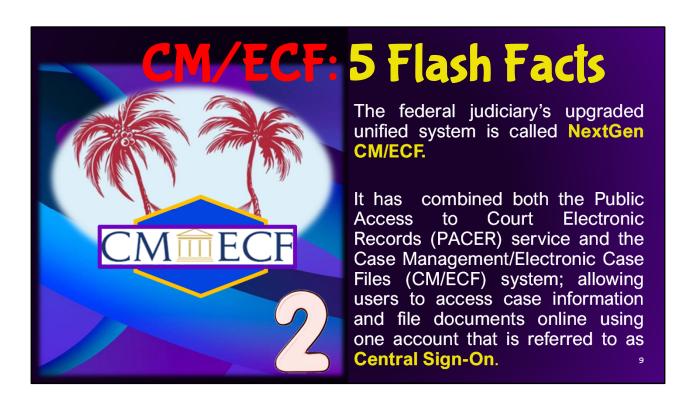
Elsie-Mae - For our first note, WHAT IS CM/ECF?? CM/ECF is the acronym for case management electronic case files. The system allows maintenance of electronic case files and online filing.



Lana – Question time for our audience! What is the name of the upgraded version of CMECF??

Elsie-Mae – You all know this! You've seen it plenty of times.

Elsie-Mae - Great! That's right! It's NextGen CM/ECF.



Elsie-Mae – Flash fact 2!! NextGen CM/ECF combined PACER to CM/ECF. This allows users to access case information and file documents online utilizing Central Sign-On!



Lana – Now time for fact 3! Since the Virgin Islands is a NextGen Court, an attorney that's admitted to practice before our court can request access through their single sign on in PACER. The best part is, they only have to have one logon and password to access ALL NextGen courts where they have permission to file.



Lana – Flash fact 4! NextGen also implements stronger security measures and requires individual PACER accounts. NextGen aims to provide better integration between district, bankruptcy, and appellate courts for a more cohesive user experience.



Elsie-Mae – And your final flash fact. NextGen also offers improved electronic filing capabilities and centralized attorney admissions.

Lana – Centralized attorney admissions.... What is that?

Elsie-Mae – Oh don't you worry Lana, there's big news to come on that later!!



- Ability to file documents/pleadings electronically with the court
- Automatic email notices of case activity for parties in a case
- No delays or added expenses associated with mail or courier services
- Instant access that allows easier case tracking
- Less physical storage space and document-processing times
- Secure and reliable
- Immediately updated and available court dockets

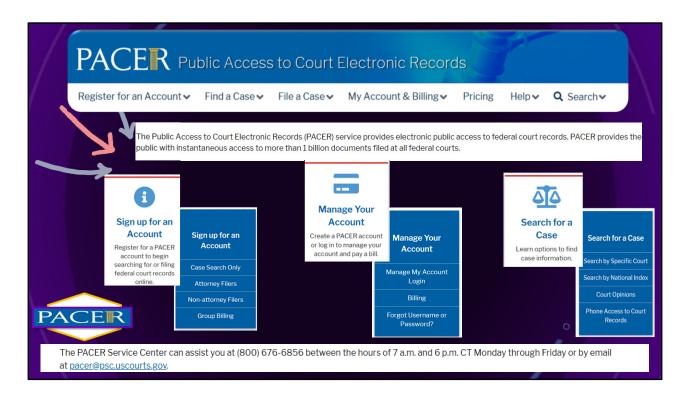
Elsie-Mae – There are some great benefits to CM/ECF. It's greatly reduced the necessity of paper with electronic filing, allows automatic email notices for new filings, instant case accessibility, and best thing yet, less physical storage space and document processing times required!!

Lana – The first key point to getting access to all of these benefits?? You have to set up your PACER account if you haven't already!



Lana – Now it's time to talk PACER and account maintenance.

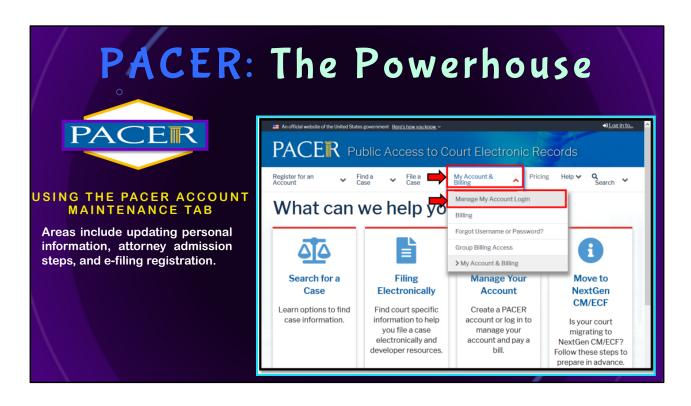
Elsie-Mae – Good call, let's get these folks to become the master of PACER and their account!



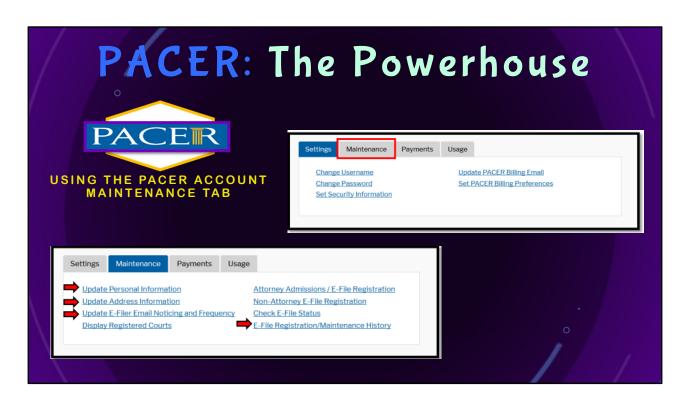
Elsie-Mae – At the top of our slide here, you can see what the top of the PACER website looks like. Once you are on the site, you have the options to sign up for a new account, manage your account, and search for cases.

Lana – Hey, I also see that PACER has it's own service center. What would that be used for?

Elsie-Mae – Great question. When there is an issue with PACER and you're having trouble with your account, notify PACER as soon as possible! They are their own program so they have their own assistance team! Utilize it!

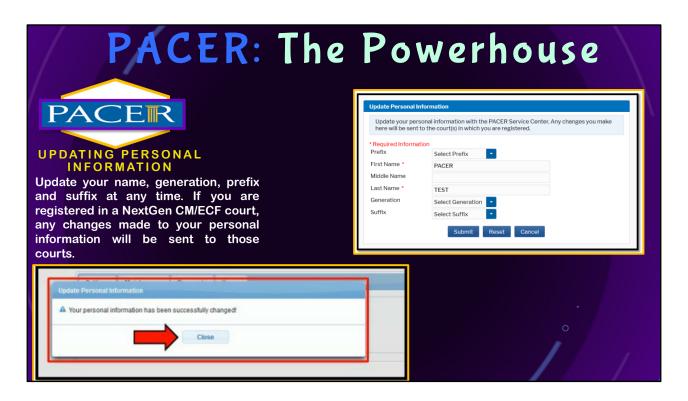


Lana - The maintenance features are one aspect of managing your account in PACER. You can perform several functions such as: updating your personal information, updating your address or email information, and/or request e-filing privileges with a NextGen CM/ECF court. If you are registered with a NextGen CM/ECF court, you will be able to view a list of your registered courts as well as update your information in those courts.

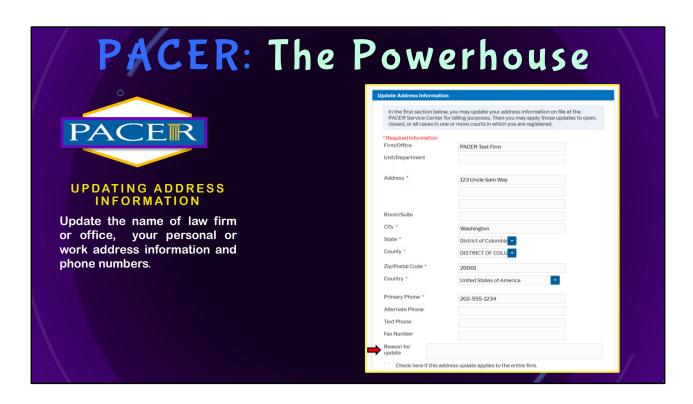


Elsie-Mae - Once you've logged in, click on the Maintenance tab. Then, locate the maintenance options. Did your name change? Did you relocate? Maybe get a new phone number or email address? Well don't stress! All of this information can be updated directly within PACER! When updated in PACER, this automatically applies the changes to all your pending cases in CM/ECF.

Lana - That's wonderful! You can also request e-filing permissions. In addition, if you are registered in a NextGen CM/ECF court, you can view a list of these courts and update information in those courts.

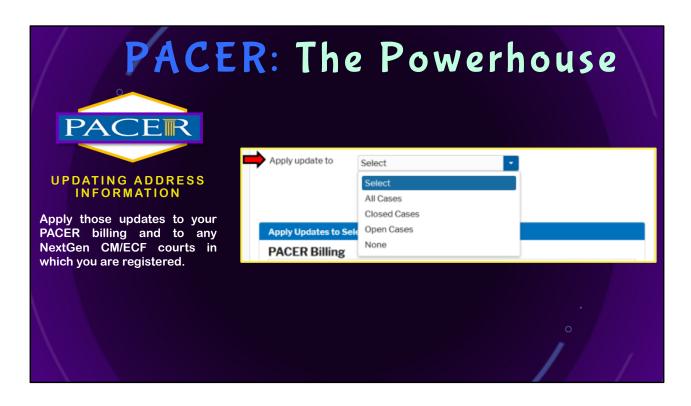


Lana - The first step you will need to take is to click Update Personal Information. Review the information listed and make any changes as necessary. Then once your changes have been made, click Submit to finalize your edits. A window will appear confirming that your personal information has been changed!



Elsie-Mae - Updating your address is very similar to updating your personal information. Click Update Address Information. Review the information listed and make any changes as necessary. Then fill in the required fields, as well as any others, if necessary.

Lana – Interesting note here, when updating your address for a NextGen court, the court may require information to be added for Reason for update and a selection for Apply update to dropdown. The court has the final determination re: which case(s) the address update will be applied to.



Elsie-Mae – Next, under Apply Updates to Selected Courts, check the box(es) for PACER and/or any courts listed that you wish to update. Next to each option, the current address on file is displayed. Once complete, click Submit to apply your changes. NOTE: Updates applied to the court(s) are sent to and processed by the court. These updates may not be immediate.



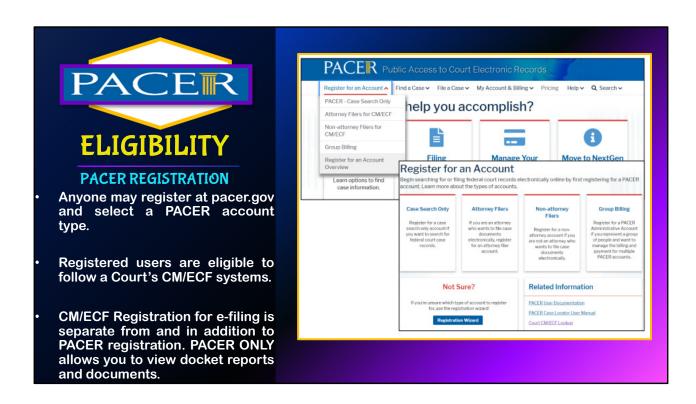
Using the Features to Unlock the Benefits

- Ability to file documents/pleadings electronically with the court
- Automatic email notices of case activity for parties in a case
- No delays or added expenses associated with mail or courier services
- Instant access that allows easier case tracking
- Less physical storage space and document-processing times
- Secure and reliable
- Immediately updated and available court dockets

Lana – PACER has some great key features and benefits if properly utilized. Remember, you have secure and reliable immediate access to court dockets. You can file documents and pleadings electronically. You can receive electronic notices of filing. AND, there's less physical storage space required since you're filing electronically.



Elsie-Mae – Well now that we know all about the key benefits, let's talk eligibility.



Lana - The PACER website allows users to register for PACER, follow links to courts' CM/ECF systems, and review frequently asked questions (FAQs). To choose which type of PACER account you need, select the Register for an Account Overview option under Register for an Account and make the applicable selection.



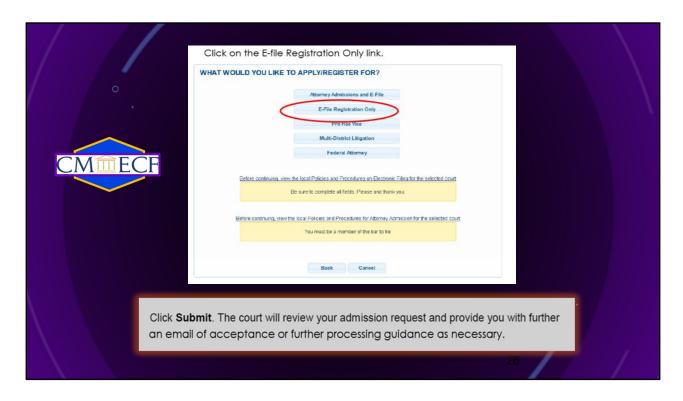
Elsie-Mae – QUESTION TIME LANA! Let's check in with our super knowledgeable audience. When is an attorney eligible to file their efiling registration request for CM/ECF access through PACER? Is it A, after observing a court proceeding, is it B, once their client contacts them to represent them in a pending matter before the court, or is it C, when they have taken the oath of admission?

Lana – Put your answers in the chat!!

Lana - Looks like our audience is on it today. That's correct! It is C, once they have taken the oath of admission.



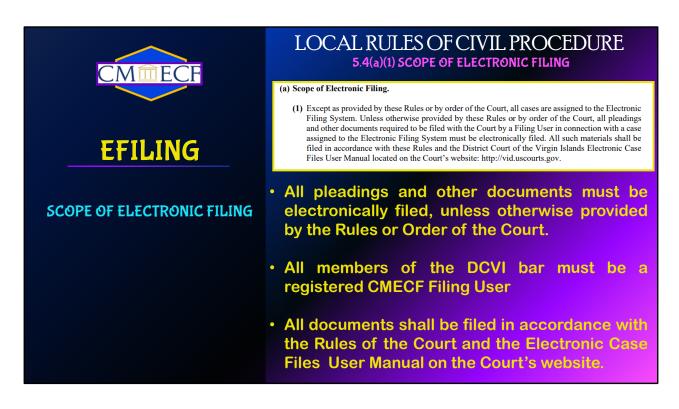
Lana - After an attorney has taken the oath of admission, they have to register to efile from PACER. Use the circled hyperlink to complete efile registration. From there, select the court you want to practice in.



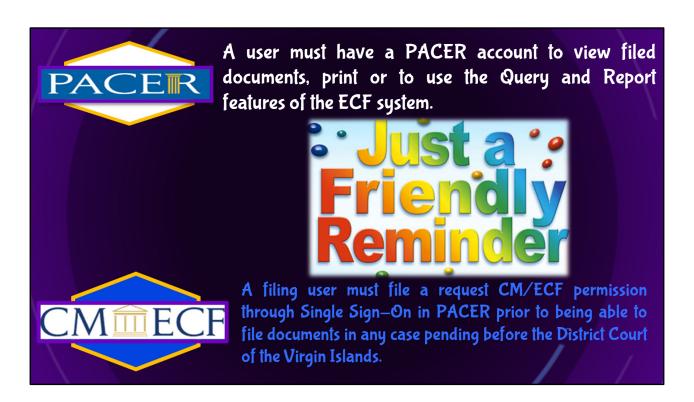
Lana - Once you've selected the hyperlink, just select "Efile registration Only" and finalize your submission! Yes, it's really that simple. There are various admission types possible. These include regular admission, pro hac vice admission, CJA appointed counsel (Criminal Justice Act), and Assistant United States Attorneys.



Elsie-Mae – An important thing to remember is that efiling eligibility, registration and passwords are governed by the Local Rules of Civil Procedure. Rule 5.4(b)(1) directs users to obtain a PACER account and to request permission to electronically file in the District Court of the Virgin Islands.



Lana – And there's more! Rule 5.4(a)(1) dictates that all pleadings and other documents must be electronically filed unless otherwise ordered by the court. It also specifies that filings will be filed in accordance with the rules of the court and the CM/ECF users manual.



Lana – A few things to remember as we continue on with the training... PACER accounts allow you to view and print filings. It also allows you to query the system and find information when needed.

Elsie-Mae – Not only that, you must remember to request CM/ECF permissions through single sign-on prior to filing documents in any case pending before our court.



Elsie-Mae - Whew, that was quite a bit of information! Let's start filing!

Lana – Can someone file into a case immediately once they've been granted access to efiling?

Elsie-Mae – I'm glad you asked!

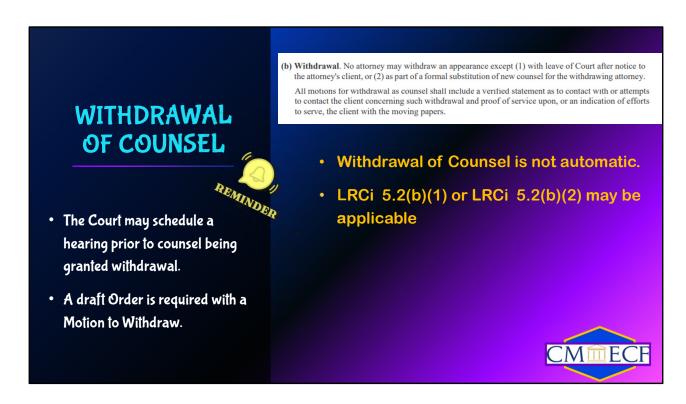
FILING A
NOTICE OF
APPEARANCE

- District Court Rules Civ. Proc., Rule 5.2. APPEARANCES; WITHDRAWAL AS COUNSEL
- (a) Appearances. The attorney for each party in any cause shall promptly file an appearance, giving the address where all notices and papers may be served upon the attorney. Only members of the Bar of this Court may appear as counsel in civil cases. Only individuals who are parties in civil cases may represent themselves. Other than in the case of an individual proceeding pro se, non-attorneys are not permitted to represent a party before this Court.
- There is no limited appearance.
- If counsel does not file a Notice of Appearance CM/ECF will not provide notifications of filings.
- If there are multiple attorneys in a case, each attorney must file a separate Notice of Appearance.

- A Notice of Appearance filing is required.
- Restricted to members of the Bar of this Court.
- Further details outlined in the Local Civil Rules.



Elsie-Mae – You were just admitted to the bar of this court. Now, in order for you to file and be listed as representation, you now need to file a Notice of Appearance! This is compliant with the Local Civil Rules of the Virgin Islands.

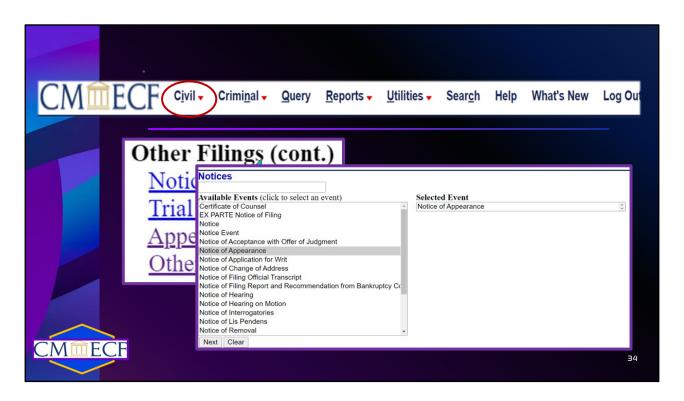


Lana – And some quick notes on withdrawal! A withdrawal is not automatic and the court may schedule a hearing prior to granting a withdrawal. And just like any time you file a motion, always remember that the proposed order is required.

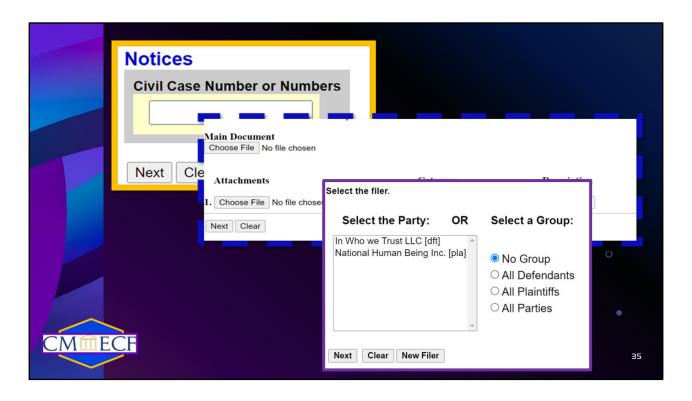
Lana – Enough about withdrawals for now. We will get into that in more detail later. Let's look at filing the Notice of Appearance!



Elsie-Mae – Absolutely. While viewing the menus for our court, you will select the Civil or Criminal Menu from the top selection bar in CM/ECF. Select "Notices" under Other Filings.



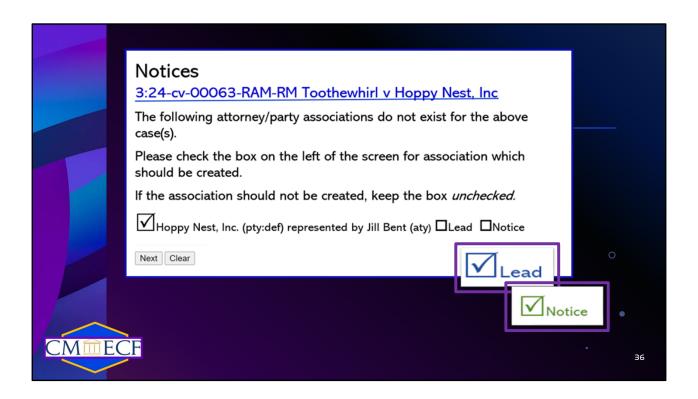
Lana – The next screen will show you a full pick list! From the pick list, you will select Notice of Appearance then select "Next".



Lana - On the next screen, you will enter the case number you want to file your Notice of Appearance into.

Elsie-Mae - Once you've done that and selected "Next", you will upload your PDF document for filing.

Elsie-Mae - The next screen you'll see is the Select Filer screen. You will select or click and drag your mouse to choose the respective filing parties.

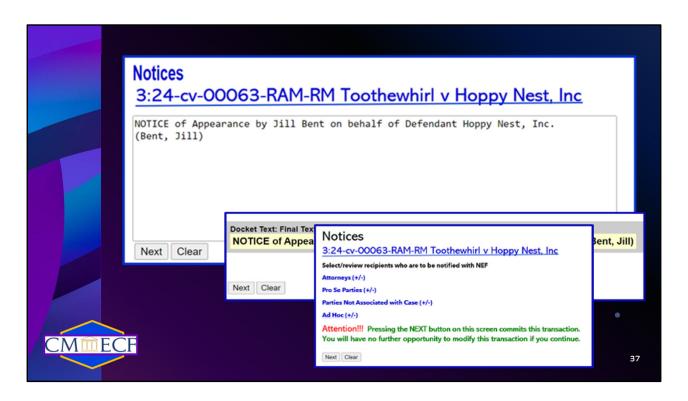


Elsie-Mae - While filing your Notice of Appearance, you will see this very important screen. Make sure to take your time and follow the directions closely!

Lana - This screen allows CM/ECF to make the attorney/party association in CM/ECF for you! In this example, by checking the box on the left, you are telling CM/ECF to connect you to the defendant as the representing attorney. This is why it's so important to file that Notice of Appearance when you are the representing attorney for a party in the case. AND, you see those boxes on the right? Those are also important! They may not always need to be checked. In a case, there should normally only be one lead attorney for a party. If you are the lead attorney, check that box!

Lana - If you aren't leave it blank. If you wish to receive NEF's for filings into the case, make sure you check that NOTICE box!

Lana - This tells the system you should get an NEF on all filings in the case. As long as this box is checked, you will get the NEF's whether you are the lead attorney or not!

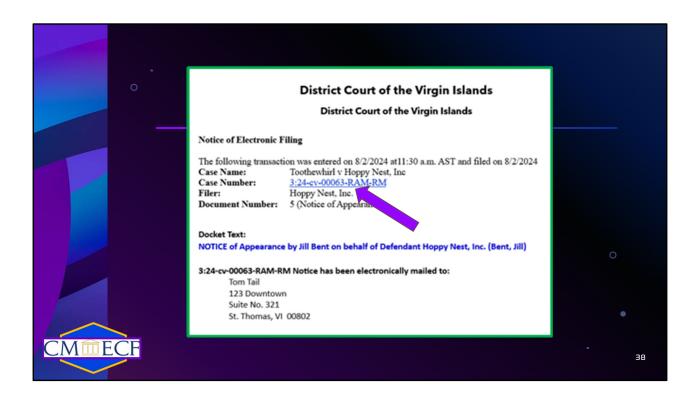


Elsie-Mae - Whenever you docket a pleading such as the Notice of Appearance, you will always have the opportunity to edit the docket text. Make sure to read through the entry to verify all the information is accurate. Once you've done that, select "Next". You get another opportunity to make sure the entry looks correct.

Lana – Now that we've reviewed what our final docket text will look like, we can proceed forward with our filing by selecting Next.

Lana - If all looks good Elsie-Mae, let's proceed forward with finishing the Notice of Appearance filing.

Elsie-Mae – Ok but beware, once you see this final screen and select "Next" from this window, you won't be able to undo the transaction! Do we need to hit the back button and fix anything? No? Ok, let's go finish out this filing.

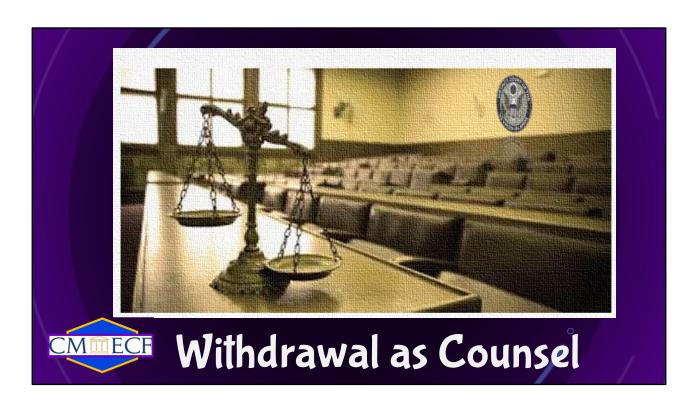


Elsie-Mae - Good work! We have officially filed our Notice of Appearance! We will now be listed as an appearing attorney for the defendant.

Lana - If we want to verify our filing is appearing on the docket, we can always select the hyperlink to review the case.



Lana - Any questions yet??

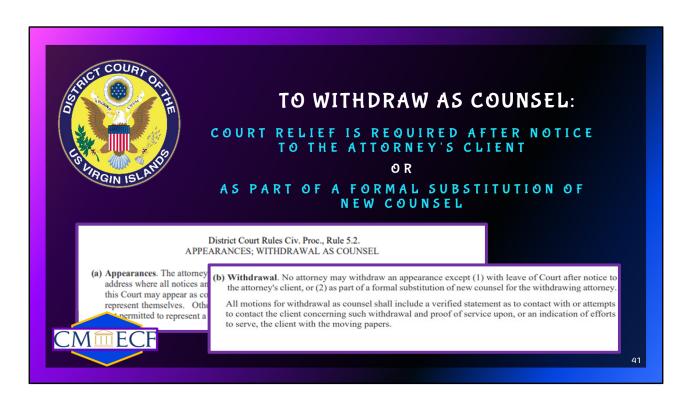


Lana - Now Elsie-Mae, I realize we just filed that Notice of Appearance... However, I don't think that party needs my representation services anymore. Would I be able to just withdraw as counsel?

Elsie-Mae - Great question! No, you can't, there's a bit more to it than that.

Lana - Oh, ok, so what do I do?

Elsie-Mae - Well, let's discuss!



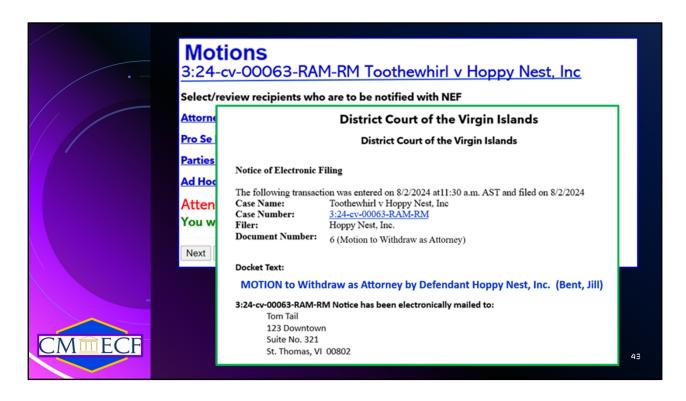
Elsie-Mae - The Local Civil Rules identify that withdrawing counsel has one of two options. The first is, the attorney may withdraw with leave of the court after notice to their client OR as part of a formal substitution of counsel. Notice the second paragraph on your screen. The rules even outline that motions need to include a verified statement regarding the contact or attempts of contact with the client.

Lana - Got it. Ok, so when I am ready to file amotion to withdraw, what should I do?



Elsie-Mae – First, you'll want to select either the Civil or Criminal option from the top menu. There you will see a "Motions" option under the Motions and Related Filings List. Select "Motions".

Elsie-Mae - From the list, you will select the "Withdraw as Attorney" option, then select "Next". From there, you will continue on with docketing just like you did with the Notice of Appearance!



Lana – I remember this page from filing the Notice of Appearance as well. This is our point of NO RETURN!

Lana – I remember this screen too! This page verifies the filing was successful! The motion to withdraw is on the docket and pending court review.



Lana – Ok, question time for our wonderful audience! Your client retained you as their new attorney for their case. They have other counsel on the case already. What is the first thing YOU must do?



Lana – Don't stress too much, we have options ahead!

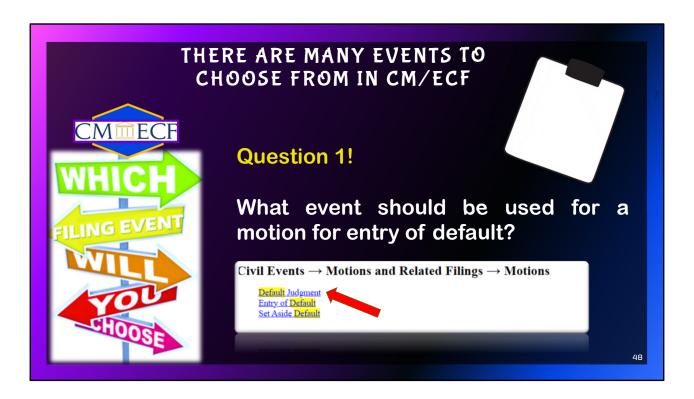


Elsie-Mae - Do you think it's 1, 2, or 3? Put your answers in the chat and let's see how you do!

Lana - Wow, look how smart our guests are!! The correct answer is absolutely TWO! The notice of appearance must be filed so you are added to the case as your client's representation.



Lana – Ok, so we've filed our Notice of Appearance and walked through motioning to withdrawal. Now it's time to file some pleadings into the client's case.

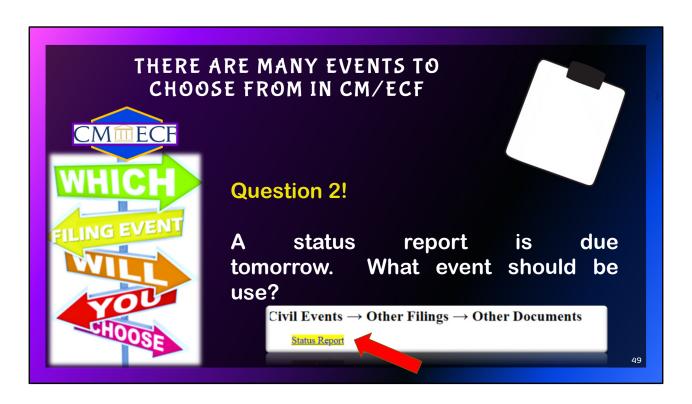


Elsie-Mae - I think this is a great time to poll our expert audience again. You will be using the chat this time so input your guesses! There are so many events to choose from in CM/ECF that... An attorney may not even know where to start... So, let's see if you can help provide some guidance on what the best options are!

Elsie-Mae - Question 1: What event should be used for a motion for entry of default?

Lana – Go ahead, put your guesses in the chat!

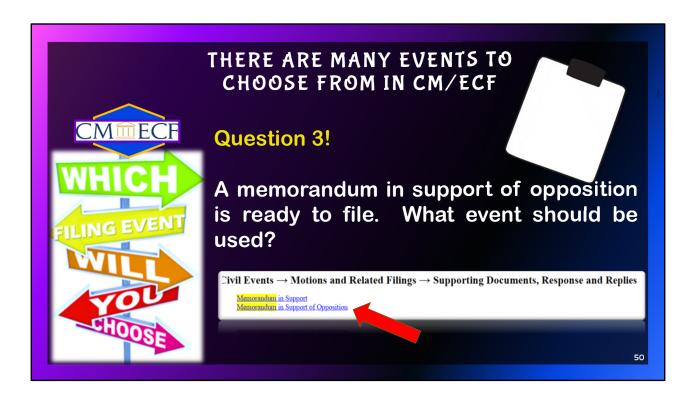
Lana - Looks like they got it right! The best option is under Motions and titled "Entry of Default"! When you file under this event, make sure you file all the additional required documents as attachments! If you don't, your motion may get denied.



Lana - Question 2: A status report was ordered to be filed. The deadline is tomorrow. What event should be used?

Elsie-Mae – Don't by shy. Take a stab at it if you aren't sure.

Lana – Look at that, they did it again! Use the status report event under other filings, other documents!



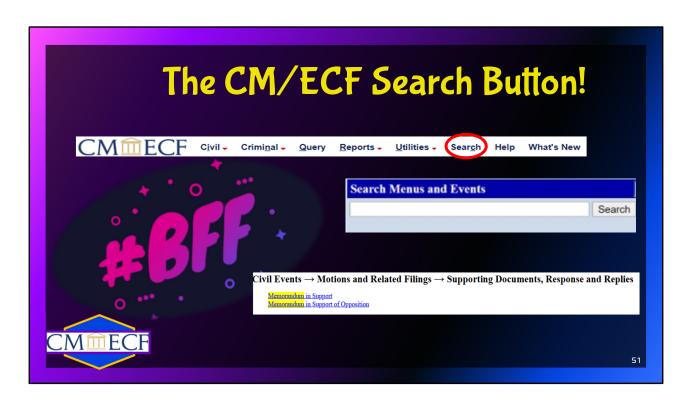
Elsie-Mae - Since they are doing so well, lets ramp up the difficulty on the next question.

Elsie-Mae - Question 3, an attorney is needing to file a memorandum in support. Is there a good event for that?

Lana – I know this one is a bit more difficult so we will give you a moment to consider and thank it over...

Lana - Well what do you know?! There is an event for exactly that! I must say Elsie-Mae, there's been some really interesting screen shots used for answering these questions.. I would be curious to know how these answers could get narrowed down so well like that. Seems like that is a really helpful tool.

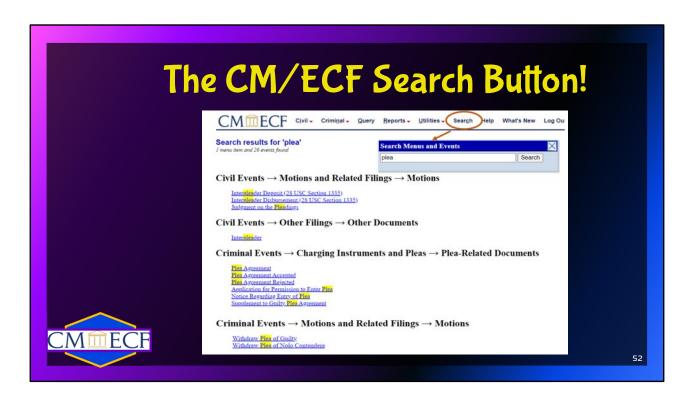
Elsie-Mae - I am so glad you asked!



Elsie-Mae - Meet your new BFF! As in... BEST FILING FIND! Just click on search and the handy search bar will appear. Type in a key word to see filter what event options are available to use! You'll find docketing events you didn't even know existed! You want to know a secret??

Lana - Of course, what's that?

Elsie-Mae - That's how I found Memorandum in Support of Opposition!



Elsie-Mae - The search function even lets you search for one word and will filter ALL docket events with that word in it! Just look at all those results you find when you search for Plea. You can find anything from interpleader to withdraw plea of guilty!

Lana - That is definitely a great resource but what if the user just wants to read up on all the event options that are available so they can learn more?

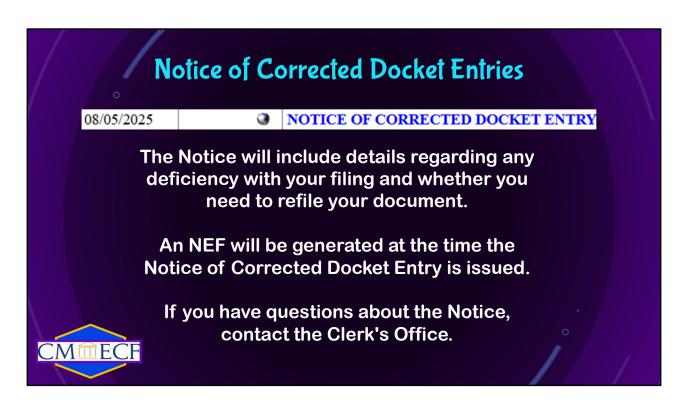
Elsie-Mae - There's resources for that too!



Elsie-Mae - Just look at our website! When you look at the "For Attorneys" section, there is a menu option on the left-hand side that's specifically for EVENT INSTRUCTIONS AND LISTS! If you open that you will find two attachments which provide a full listing of both Civil and Criminal events!

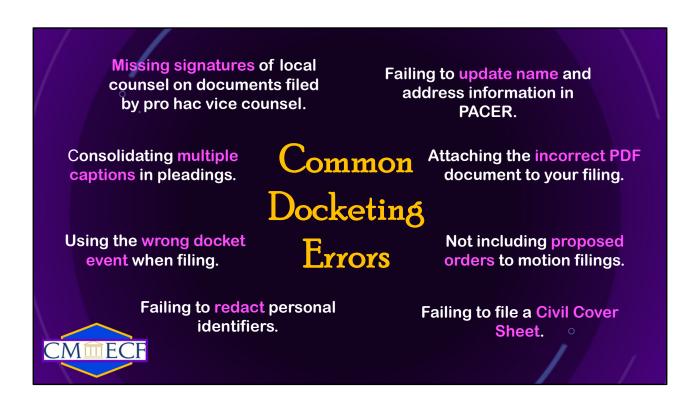
Lana - Ok, so there are a lot of resources available to help with the filing process! That's great. I guess the next question is, what happens when mistakes are made during the efiling process?

Elsie-Mae - Great question, let's discuss that next!



Elsie-Mae - When a filing is deficient for one reason or another, the Clerk's Office will issue a Notice of Corrected Docket Entry like the one you see in this slide. This entry will also include information to help you understand what the issue was with your filing and if you need to file again to correct the problem. When a Notice of Corrected Docket Entry is issued, you will receive an NEF just like any other filing, so you will be notified of the problem.

Lana – I know nobody in our audience EVER gets these, they're too savvy for that. But let's talk about some common docketing errors just in case. This will ensure they never have to see one of these dreaded Notices!

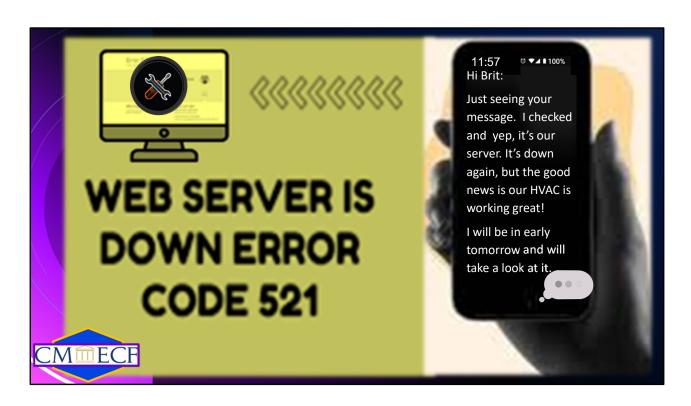


Lana - These are the most common deficiencies seen in the Clerk's Office and they should be paid special attention.

Lana - When pro hac vice counsel file documents, the local counsel signature is also required on the document filings! Ensure you sign filings as well as the PHV counsel. You will also want to make sure you update your PACER account anytime you have a change of name. The filing users name should always match the signature on the document. The caption on your filing should match the one in CM/ECF. Don't consolidate the captions if they aren't consolidated on the docket. When filing your documents, make sure you grab the correct PDF document to upload. Utilize the search function when needed so you can utilize the correct filing event. If the wrong event is selected, a Notice of Corrected Docket entry will be issued. Whenever you are filing a motion, always attach the proposed order. This is required by Local Civil Rule. Also required by Local Civil Rule, it is the filing parties responsibility to redact document filings of personal identifiers. Ensure this happens before you docket a pleading on the public record. Lastly, when filing a new case, always file your Civil Cover Sheet. This is a required document at case initiation.



Elsie-Mae - Uh oh, looks like we have an issue!



Elsie-Mae – Remember that status report that Lana showed us how to file a few slides back? Well, that was due today! It's 11:57 p.m. and your office's server is down! This is a serious problem...



Elsie-Mae – What can you do??????



Lana - Let's check in with our audience. What do you all think? What would you do?? Type your answers in the chat!

Elsie-Mae-Lana, whoa... Look at those answers. We definitely have participation rocking!

Lana - The audience is doing great! Happy to see everyone is still awake.

- (j) Notice of Court Orders and Judgments. Immediately upon the entry of an order or judgment in an action assigned to the Electronic Filing System, the Clerk shall transmit to Filing Users in the case, in electronic form, a Notice of Electronic Filing. Electronic transmission of the Notice of Electronic Filing constitutes the notice required by Federal Rule of Civil Procedure 77(d). The Clerk must give notice in paper form to a person who has not consented to electronic service in accordance with the Federal Rules of Civil Procedure.
- (k) Technical Failures. A Filing User whose filing is made untimely as the result of a technical failure and who is unable to make a timely filing by traditional means must seek appropriate relief from the Court.

Public Access. Responsibility for redacting the personal identifiers set forth in Federal Rule of Civ. Procedure 5.2(a) rests solely with counsel and the parties. The Clerk will not review documents for

LRCi. 5.4.(k)



Electronic Filing

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Elsie-Mae - Check out our Local Rules! It provides the road map that covers technical failures. If a user experiences technical failures, they must seek appropriate relief from the court to address it!



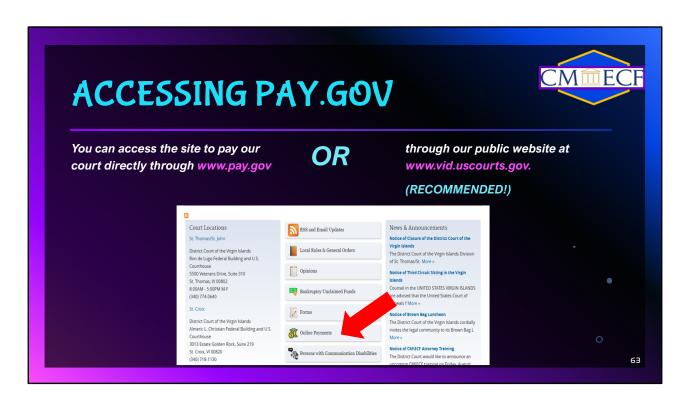
Lana – A few other reminders for all of our wonderful efilers in this room. The maximum PDF file size is 5 MegaBytes and the maximum merge document size is 15 MegaBytes. Make sure to verify your file size before attempting to upload your document. If the file is too big, you can try printing to PDF to see if it will reduce the file size. You could also print the document and scan using a scanner as well if the print to PDF doesn't reduce the size enough.

Elsie-Mae – And remember, it is the filers responsibility to verify ALL uploads. It is your responsibility to check the pleading before you file it. That goes for file size, personal identifiers, accuracy, AND verifying you uploaded the correct PDF.

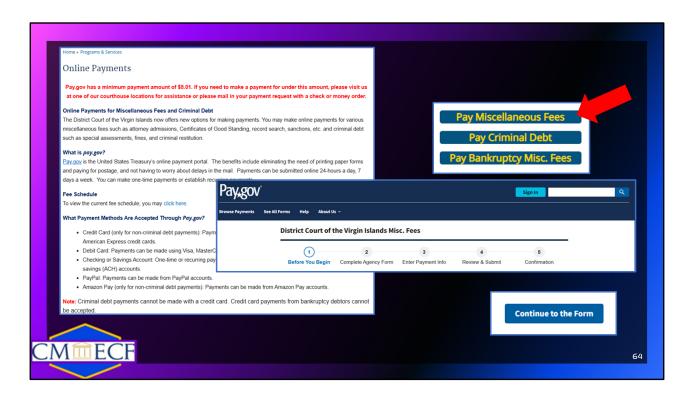


Lana – Hey Elsie-Mae, guess what's new! We recently upgraded our methods of payment. Users can make payment for a variety of things right through PAY.GOV. No more need to send in a check or physically come into the Clerk's Office.

Elsie-Mae – Oh yeah, that's right! So folks, up next, we are going to check out the what, when, where, and whys of pay.gov!

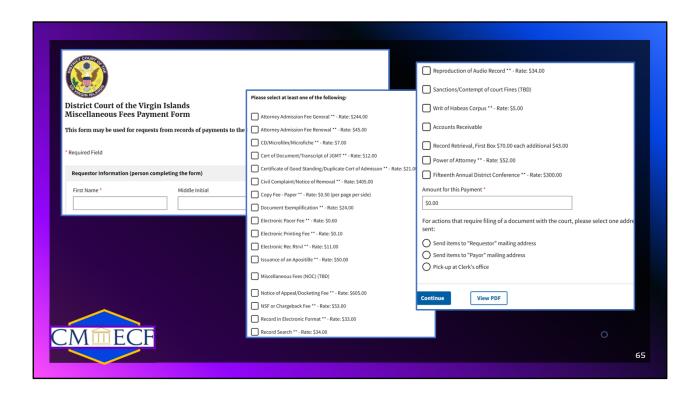


Lana - There are two methods to getting to pay.gov. You can access card payment options for the Virgin Islands District Court directly through pay.gov. But you can also get there directly from our website! It's conveniently located on the front homepage. Going through our site is recommended as it will take you directly to the payment portal for our court.



Lana - Once you have selected the icon for Online Payments, you'll see lots of valuable information regarding PAY.GOV, what types of payments can be made on the site, the minimum payment amount, and payment methods which are accepted. To proceed forward with your payment, select the payment you want to make whether it's miscellaneous fees, criminal debt, or even miscellaneous bankruptcy fees! Criminal debt is pretty self explanatory, so let's explore what's available in miscellaneous fees!

Elsie-Mae – Sounds good. Once you select Miscellaneous Fees, you will be redirected to the pay.gov website. To move forward with your payment, just select Continue to the Form.



Elsie-Mae - Once you hit the form page, begin filling in all of the information in the required fields. This page is also where you select what you want to pay for. As you can see, there are several transactions which can be processed right there online with your card. We've added things like admission fees, copies, records search, NSF payment, sanctions, audio reproduction, and much, much more. You can even select more than one if desired.

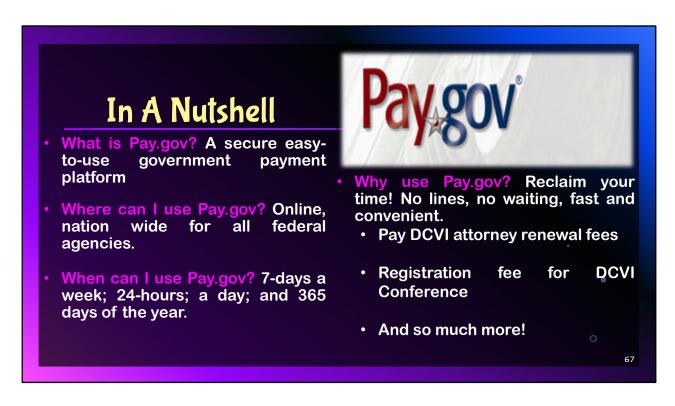
Lana – One thing to keep in mind, if you are asking for a records search, make sure you provide as much information to us as possible regarding your request in the free text section of this form! It's required for us to conduct the research. This includes things like case number if you have it. But if you don't, share party names, year filed or range of year filed, case type, and whatever other information you may have.

Elsie-Mae - Once you've selected the fees you want to pay for, select the desired radio button for how to receive your records. When this is done, select continue to move forward with processing!



Lana - If you need to send an attachment with your payment, the next screen allows you to upload a PDF file to be sent along with your payment. When might you need to use this, you might ask. Well, if you'd like to pay your renewal fee online, you need to send us your renewal application. Right here is where you'll attach it to your payment!

Elsie-Mae – That's great! From there, all you have to do is hit next to move forward with your payment once the attachments have been addressed. Continue following the prompts until you finish and submit your payment!



Elsie-Mae- In a nutshell, we know time is important and we want to make sure you know by using pay.gov you can save lots of time by paying online!

Lana-Elsie-Mae look at you doing a tag line for pay.gov.



Lana – Speaking of time, we've covered a substantial amount of information, so I think it's time we give our audience a short break. How long do you think we should take Elsie-Mae?

Elsie-Mae – How about we reconvene in 5 minutes?

Lana - Alright, that sounds good! See you all in FIVE!

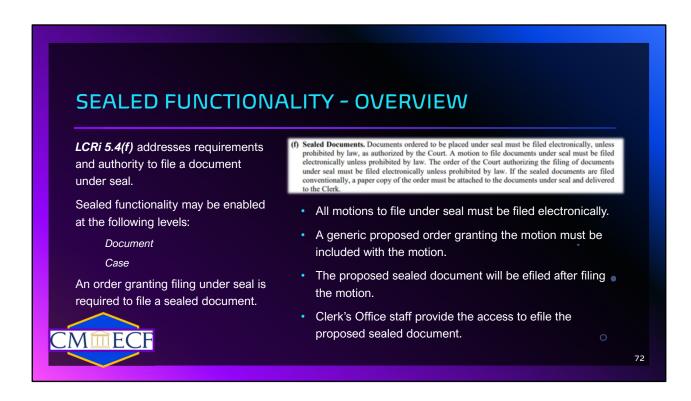




Elsie-Mae - Welcome back from break! Sharpen your pencils or grab a new pen because we are jumping into the advanced session!



Lana – Yes, it is that time! For today's advanced session, we will be covering Sealed and Ex Parte Functionality within CM/ECF. Our topics for sealed functionality include the various levels of sealing that can occur within the system, how you can request court relief to file a document under seal, and how to obtain access to sealed documents or cases. We will also share information regarding how to file Ex Parte matters and what you REALLY need to know!



Lana – The governance to file a document under seal is outlined in the Virgin Islands Local Civil Rules! If you forget after this presentation, just go to LCRi 5.4(f) and it will tell you all you need to know.

Elsie-Mae - Sealed functionality may be enabled by court order at the document level or case level. Of note, an order granting filing under seal is required prior to filing, otherwise it will appear on the public docket. Just like other pleadings, motions to file under seal are filed electronically and include a generic proposed order granting as an attachment to the motion. After filing the motion, you will contact the clerk's office to gain access to the proposed sealed document event in CM/ECF. Don't worry, we will go over that in detail later.



Lana - First, let's talk sealed cases in CM/ECF. When cases are sealed, they are not publicly viewable. When a criminal case is sealed, it is sealed as to all defendants in multi-defendant cases. It will remain that way until a court order unseals it. This can be done at the defendant level. What does that mean? If there are two defendants in a case and it was opened under seal, the court can order one defendants case unsealed at its discretion.

Elsie-Mae - Civil cases can also be sealed upon order of the court! Once an attorney receives leave from the court to access a sealed case, they can then file documents into a sealed case and access it. The ability to view sealed documents must be set by the court on a per case and per defendant basis.

If you know a case exists and try to find it, how do you know you don't have access?



DO YOU HAVE **ACCESS TO A SEALED CASE?**

Query a case number, results show:

"## - ### is not a valid case. Please enter a valid value'

Query a party name, results show:

"No person found"

If you have been granted access to a sealed case and receive one of the messages above, contact the Clerk's Office.

Elsie-Mae – Our wonderful audience may be wondering, how do you know if you have access to a sealed case? The answer is this, if you know a case exists and try to find it, you won't be able to access it.

Lana Maehara - When you query a case, you will find one of these search results:

Upon attempting to query a specific case number, the system will display the following message:

##-### is not a valid case. Please enter a valid value.

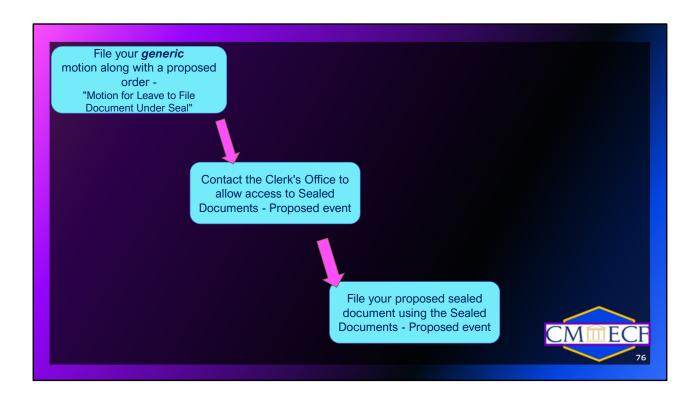
The query program only returns matches for a party by name for those cases the user has been authorized to view. Thus, if a party is involved in cases that are sealed, and access has not been granted, the system will display the message:

"No person found".

If you are granted access to a sealed case and cannot see it or locate it, contact the Clerk's Office.



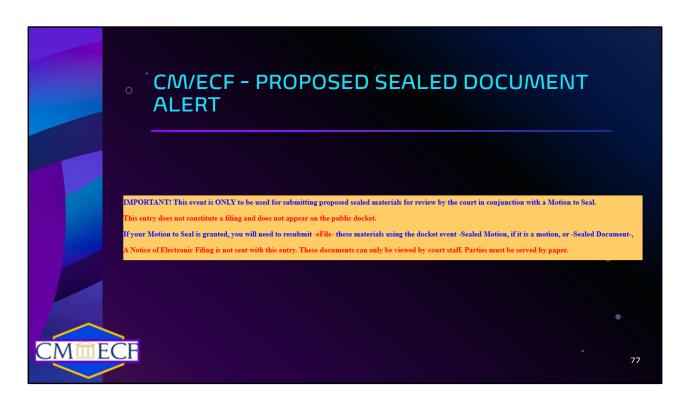
Elsie-Mae – That about covers it for sealed cases. Time to start looking at sealed documents. As previously discussed, court relief is required to file a document under seal. This is accomplished by way of a motion to file under seal. For each instance of a sealed document filing, a motion and order granting is required. If you got relief and filed a document under seal yesterday and now need to file another one that you forgot to include, you will have to file another motion and obtain another order. This process can seem complicated so let's break it down with a flowchart for all of you first.



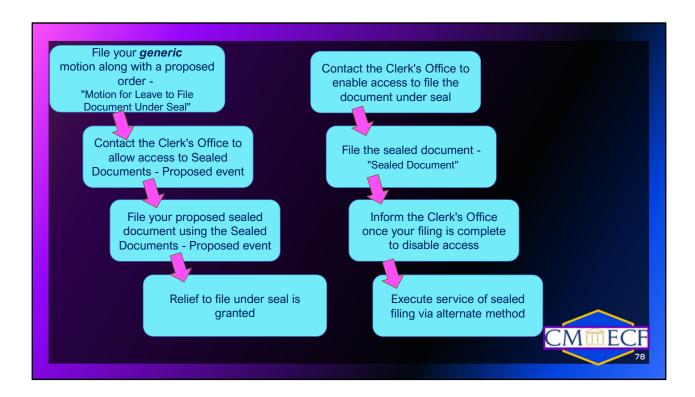
Lana – You will file your GENERIC motion for leave to file under seal. Make sure to include the generic proposed order along with the motion. Both of these documents will be accessible on the public docket so don't include ANY of the information which you want under seal!

Lana - Once that is complete, you will contact the clerk's office to allow access to the Proposed Sealed Document event. It's important to remember, we are only open Monday through Friday, 8-5! Outside of those hours, you won't be able to access this event.

Follow the prompts to file your proposed sealed document. When filing the proposed sealed document, you will see this alert in CM/ECF that provides valuable information regarding your filing!



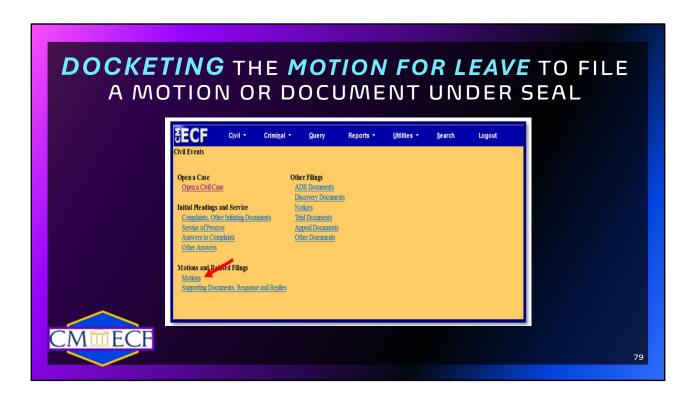
Elsie-Mae – Well look at that, lots of good information here. If you look closely, this shares that this event selection doesn't constitute as a filing and won't appear on the public docket. It also shares next steps if your order is granted AND information about service. Pretty awesome!



Lana – Now that the GENERIC motion has been filed and the proposed sealed document let's assume the court grants the relief to file under seal. First thing to do is call the Clerk's Office so you can be granted access to the sealed events.

Elsie- Mae - Don't forget about the hours we are available though! 8-5, Monday through Friday!

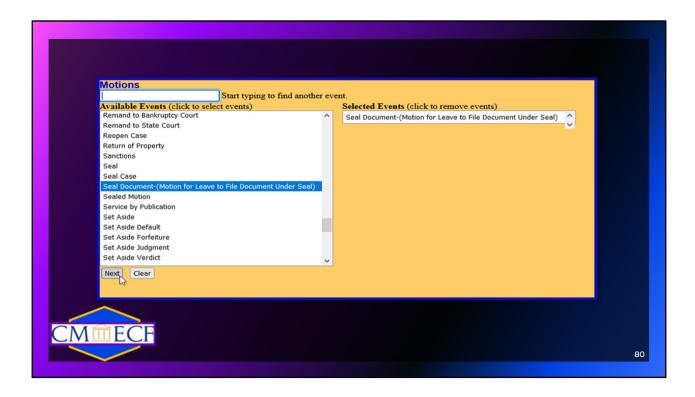
Lana – That's right! Then, complete the filing process of your sealed document. Once that is done, inform the Clerk's Office so your account can be reset. Lastly, you will need to execute service of the sealed documents by way of an alternative method.



Elsie-Mae – Let's get filing! We start with the generic motion, right?

Lana – You bet!

Elsie-Mae – Ok, so from the CM/ECF menus, go to the Civil or Criminal section, whichever is applicable. From there, select "Motions".



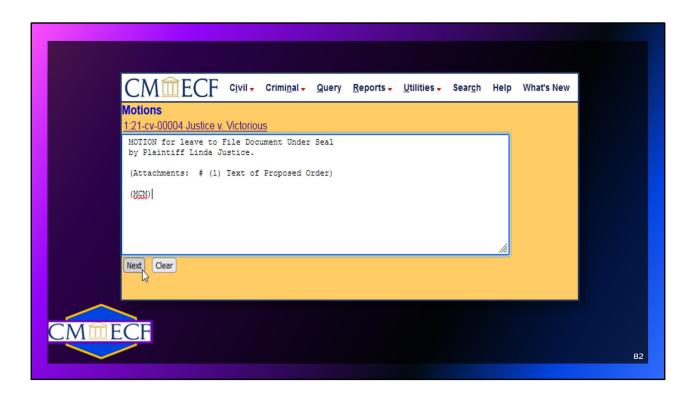
Elsie-Mae – Then you'll select "Seal Document" or "Sealed Motion" from the pick list. Make sure you select the option that matches the pleading type you are seeking relief from the court to file under seal.

Elsie-Mae - Once you've done that, continue on docketing!

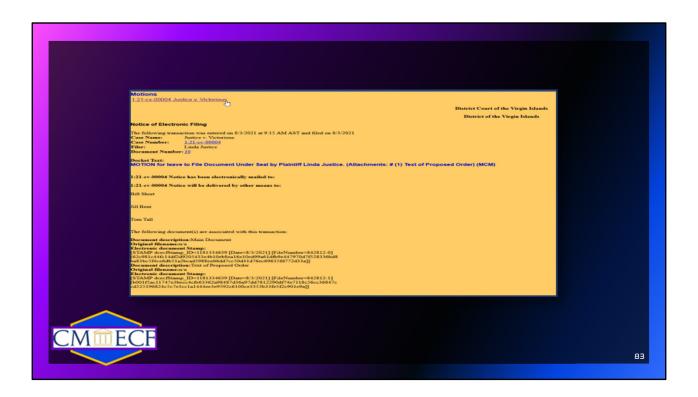


Lana - Now as you docket, this is a VERY important part of the process. This is where you upload the PDF of your generic motion for leave to file under seal and your generic proposed order. But you do NOT attach the pleading you are requesting to be sealed. This motion and proposed order is accessible on the public docket!

Lana - If you attach a motion with too many specifics OR the document you are proposing to file under seal, it will be available to the public to access it. Double and triple check your PDF's in your filing are correct!



Elsie-Mae – This is where you get that chance to verify the docket text for your filing. Remember, can't stress this enough! You want to leave the language generic here because this will be visible on the public docket!



Elsie-Mae - And we are done with filing the motion to file under seal! Once you see this screen, you can select the hyperlink at the top to review the case and verify your filing is reflected on the docket.

Lana – Now remember, the court still doesn't know what it is you want to file under seal. So let's discuss the next part of filing your proposed sealed document.

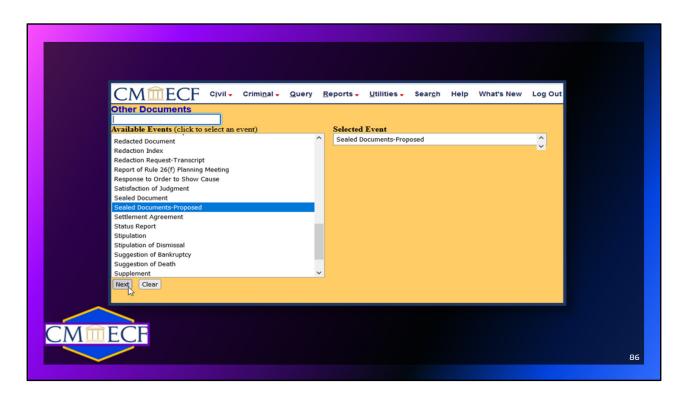


Lana – The next piece to this is submitting your proposed sealed document so the court knows what it is you want to file under seal. To accomplish this, you will submit it through CM/ECF.

Lana - First things first, you will need to contact the Clerk's Office during regular business hours so we can enable your access to utilize the appropriate event. Remember, we are open Monday through Friday, 8-5! Once your access has been enabled, the staff will let you know to proceed forward with your submission.



Elsie-Mae – Once you've been informed to proceed, navigate to the respective Civil or Criminal Menu options. The Proposed Sealed Document and Motion event live in the "Other Documents" underneath "Other Filings".



Elsie-Mae - From the pick list shown, you will select "Sealed Documents – Proposed" as your filing event. Select "Next" to proceed.

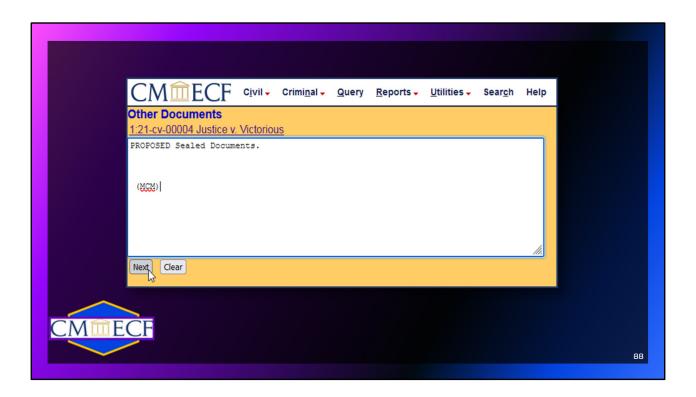


Lana – Elsie-Mae, I'm pretty sure all these folks are expert filers already since we've gone over it a couple times now! There are just a few pieces of information on this submission that we should highlight!

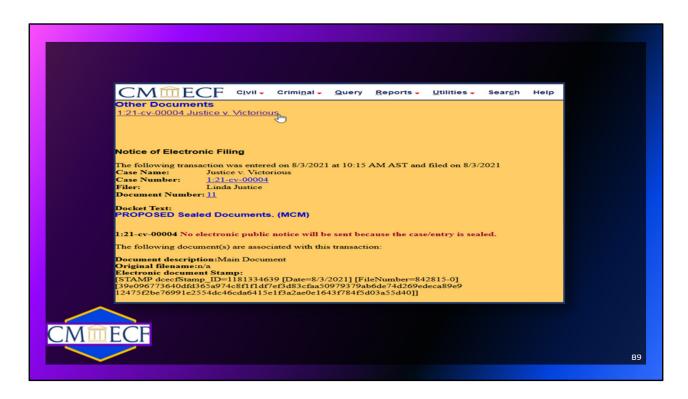
Lana - This proposed sealed document is submitted just like other documents you efile! You will add the case number and attach the document like you've done before. But notice, CM/ECF gives you an IMPORTANT REMINDER! As you submit your proposed sealed document, you can see the blue text sharing as a reminder that this event is only submitting materials for review by the court and the entry does not constitute a filing or appear on the public docket!

Elsie-Mae – The reminder is great! It reminds you that if your motion is granted, you will need to eFile these materials using the Sealed Motion or Sealed Document event.

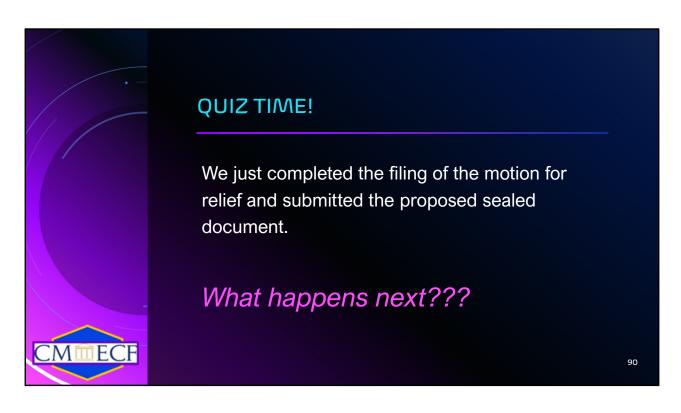
Lana – We've also talked about service too. If you read all the way to the end, it shares another reminder that an NEF is not sent with this entry and documents will only be viewable by court staff. Pretty neat if you ask me! Now we can just continue on docketing as we've done before.



Lana - The docket text screen shares the generic verbiage for your proposed sealed document submission. You shouldn't have to make edits here as it is set to appear as "Proposed Sealed Documents" for you. Select "Next" to proceed.

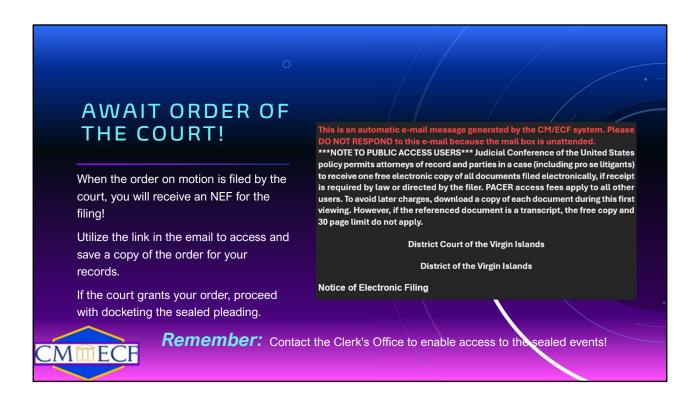


Elsie-Mae - And just like that, the submission of the proposed sealed document is complete!



Elsie-Mae - We just finished filing our motion and proposed sealed document or motion. What happens now???

Lana – Don't be shy ladies and gentlemen, put your guesses in the chat!

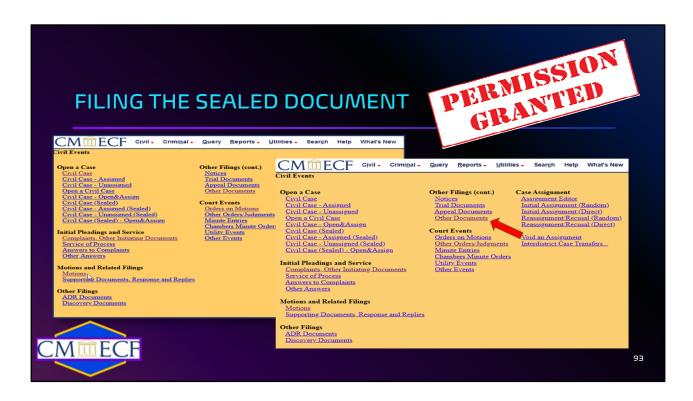


Lana - You are correct! You have to wait for the order on your motion!

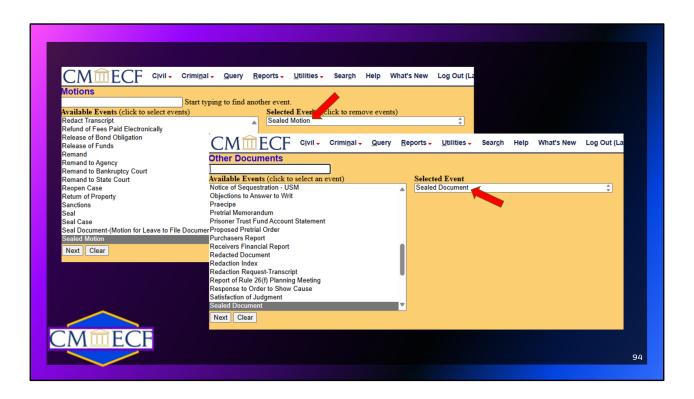
Elsie-Mae - You will get an NEF that an order on your motion has been filed. Once you receive it, use the link to access your free look and save a copy of the order for your records. If the court has granted your motion, then it's time to proceed with filing your sealed pleading. Remember, you will need to contact the Clerk's Office to enable access to the sealed event filing option in CM/ECF!



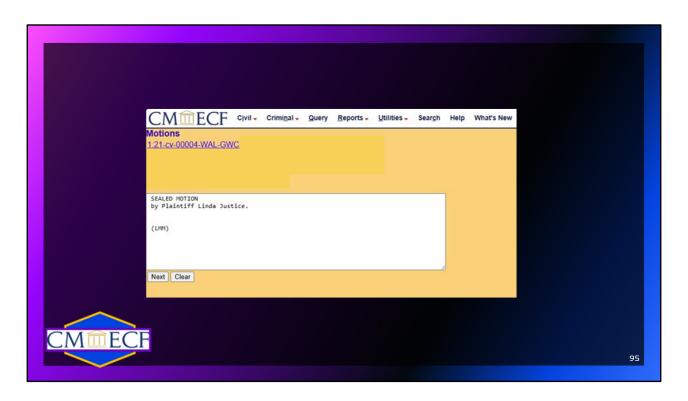
Elsie-Mae - Once you have been given access to the sealed filing events, you will select the appropriate menu option from the Civil or Criminal menu. To file a motion under seal, select the "Motions" option under "Motions and Related Filings" list.



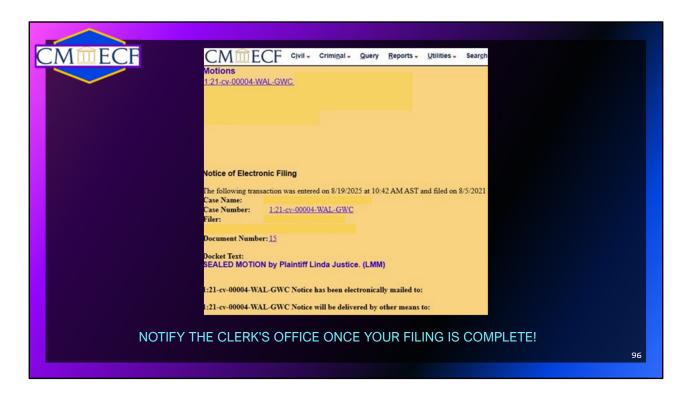
Elsie-Mae - To file a sealed document, select "Other Documents" under the "Other Filings" list.



Lana – Both of those menu options will bring you to the pick list option. For filing a sealed motion, you will select "Sealed Motion" from the Motions Pick list. To file a sealed document, you will select the "Sealed Document" event from the "Other Documents" menu. Once you have made the appropriate event selection, you will select "Next" and continue on with your docketing.

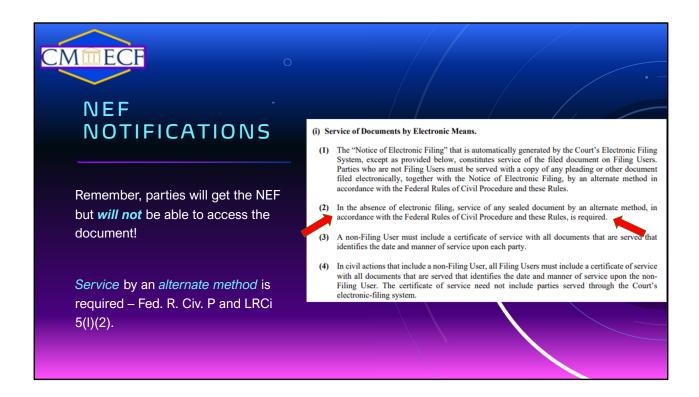


Lana – You'll have the option to edit the docket text before finalizing your filing. You'll verify the docket text in this editable screen. Remember to keep the text generic since this text is publicly available! Once all looks accurate, select "Next" to proceed with docketing your sealed filing.



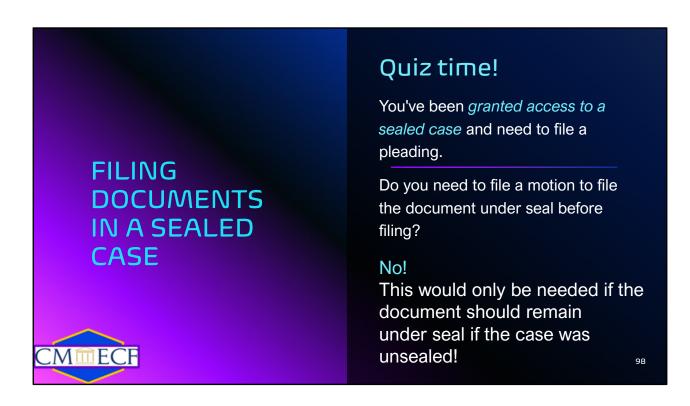
Lana – And just like that we have filed our sealed document! The last thing to do is ensure the Clerk's Office is aware and can make all necessary updates.

Elsie-Mae – Not so bad right everyone??



Elsie-Mae – An NEF is generated when you file the sealed document. HOWEVER, they WILL NOT have access to view the document in CM/ECF if they haven't been granted access. Counsel is required to accomplish service on all parties in paper form as service is not accomplished by NEF for sealed documents as outlined in the Federal Rules of Civil Procedure and the Local Civil Rules, section 5 (I)(2).

Lana - I love how our rules address these situations! Such a wonderful point of reference to turn to.



Lana – Question for the audience! Let's put what we've learned so far to the test! This question looks at filing documents into a sealed case. You have been granted access to a sealed case and need to file a document or motion into it. Do you need to file a motion to file the document under seal before filing? Go ahead, let us know what you think in the chat!!

Lana - No! Because the case is under seal, the public will not be able to access it as long as the case remains under seal. There is another thing to think about though. If the document should REMAIN under seal if the case were to be unsealed, then a motion to file under seal would be necessary in order to seal the pleading at the document level.



Elsie-Mae - Let's turn the floor to our audience. Does anyone have any burning questions!?

Lana – Don't be shy, you have our full attention!



Lana - Ladies and gentlemen, it's time to talk about filing your ex parte pleadings!



Elsie-Mae - Some of you may be wondering, are sealed and ex parte filings the same thing?

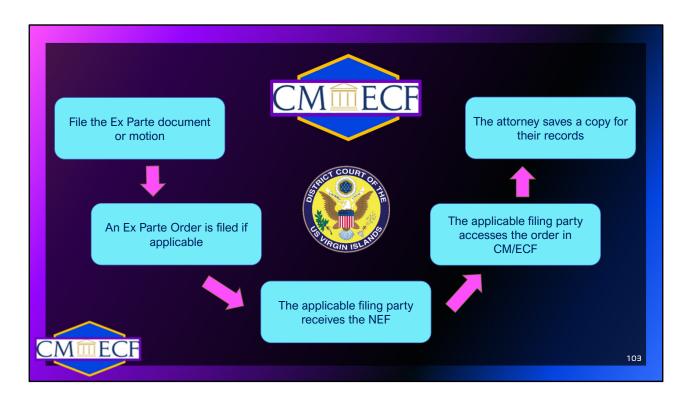
Lana – Touche, valid point. Let's talk about that in more detail.



Lana – The answer is no! They are similar because there are user restrictions to viewing sealed and ex parte filings, but there are some critical differences as well.

Lana - Let's break this down. While relief from the court is required to file a pleading under seal, no relief is required for ex parte! You have access to the event in CM/ECF and can proceed with filing without any additional contact with the Clerk's Office. In sealed filings, only the court has access to view the pleading unless otherwise ordered by the court. But in ex parte filings, the applicable filing party will also have access to the filing.

Elsie-Mae - Another critical difference is the public docket. The public can see the docket text of the sealed filing on the CM/ECF docket but they CANNOT see the docket text of the ex parte filing. The last big difference is in the service process. For sealed filings, counsel will get the NEF but be unable to access the document. For ex parte filings, counsel will not get an NEF and they won't have access to the document.



Lana – Because court relief isn't required to file an ex parte filing, the flow looks quite a bit different than the flow of sealed filings. From CM/ECF, you would select the ex parte document or ex parte motion event. The court will review the filing and file an ex parte order if that is necessary. The applicable filing party will receive the NEF of the ex parte order and can access the order in CM/ECF. The party can ultimately use their free look to get their copy of the ex parte order! Don't forget to save a copy for your records!



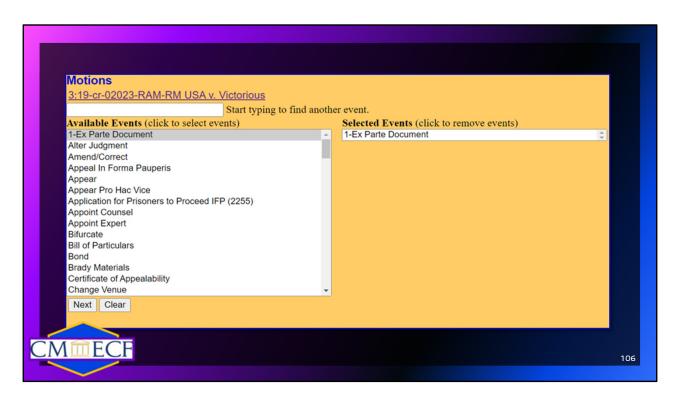
Elsie-Mae - There are three ex parte events to choose from in both the Civil and Criminal menus. These include:

Ex Parte Motion which is used when filing a single motion and draft Order; Ex Parte Response which is used when filing responses;

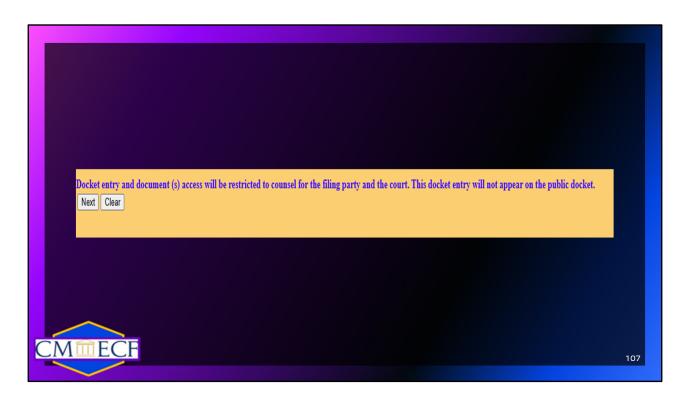
And Ex Parte Notice of Filing which is used to file a document that does not seek relief or provide legal response.



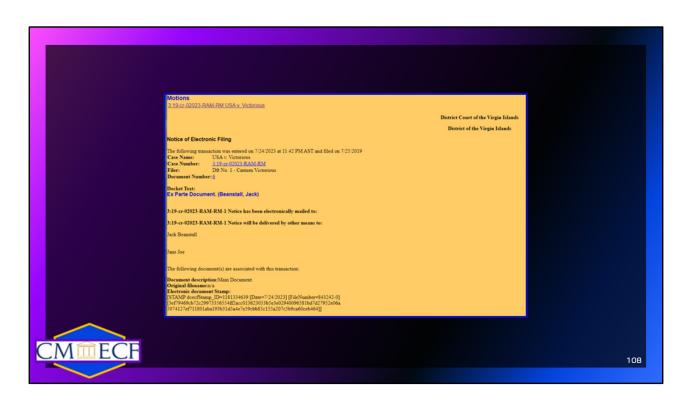
Elsie-Mae - To begin the filing process, select the Civil or Criminal Menu in CM/ECF and select Motions or Supporting Documents, Responses and Replies. If this is the initial filing, the motion event should be used. For court ordered Ex Parte Responses, you would select the Supporting Documents, Responses and Replies option.



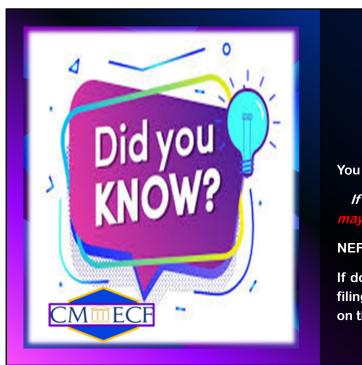
Lana – Once in the pick list, you will select the applicable ex parte filing event. When you've identified the correct event, select "Next" and continue on with your docketing!



Lana – CM/ECF provides another helpful reminder about the docket entry and document access as you move through the docketing process. There's a note reminding you the docket entry will not appear on the public docket!



Elsie-Mae - And we are all done! Your Ex Parte filing is complete!



REMEMBER!

You must utilize the correct Ex Parte event!

If the incorrect event is used, the pleading may be publicly available on the docket!

NEF's are not generated for Ex Parte filings.

If docketed properly, only the Court and the filing party will have access to the pleading on the docket.

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Elsie-Mae - There are a few vital things to remember about ex parte filings. You must ensure you utilize the correct event in CM/ECF! If you don't, the pleading may be publicly available.

Lana - Also remember, NEF's are not generated for Ex Parte filings. As long as these are docketed properly, ONLY the court and the filing party will have access to the pleading on the docket.

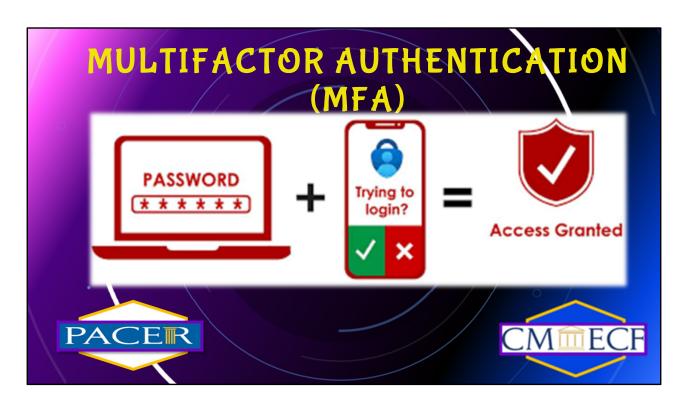


Lana - Any questions on sealed and ex parte filings??

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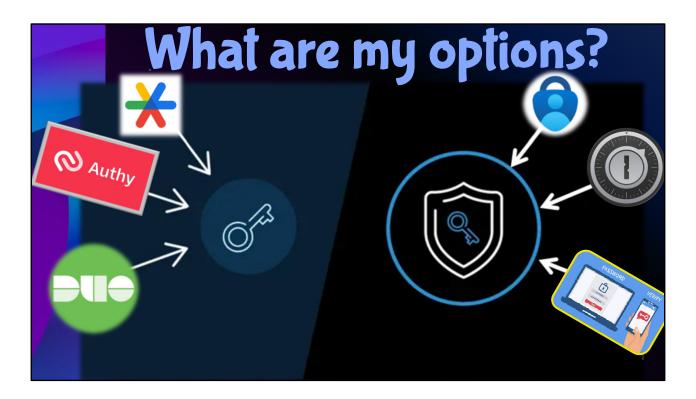
Elsie-Mae – So, there are some updates are happening and we want to make sure that you don't leave our session today without knowing about them.



On May 11, the Administrative Office of the U.S. Courts (AO) began implementing multifactor authentication (MFA) to enhance system security for CM/ECF and PACER. MFA provides an added layer of security to accounts by helping protect against cyberattacks that steal passwords, significantly reducing the risk of unauthorized access.



MFA provides an added layer of security to accounts by helping protect against cyberattacks that steal passwords, significantly reducing the risk of unauthorized access. Once implemented, all CM/ECF and PACER users will be able to enroll in MFA. Users with filing and all other types of CM/ECF-level access will be required to enroll in MFA, while users with PACER-only access will have the option to enroll.



The AO does not endorse specific apps, however, some options include DUO Mobile, FreeOTP, Google Authenticator, Microsoft Authenticator, and Authy. Users can download any authentication application (app) that supports a time-based one-time password (TOTP). Before enrolling in MFA, the AO recommends that users research available authentication apps to decide which one will work best for them and then download their preferred app. Additionally, users who are unable to download an authentication app will be able to save one-time use backup codes. Once users have used all their backup codes, they will need to request a new batch.



Users with CM/ECF-level access who do not voluntarily enroll will be randomly selected to do so beginning in August. By the end of 2025, everyone with CM/ECF-level access will be required to use MFA when logging in.

NOTE: If using third-party software for filing, users should ensure MFA is supported by that software before enrolling to avoid any disruption in their business processes.



Need some additional help or some more information?



Resources

- Updated documentation:
 - PACER Authentication API User Guide
 - PACER User Manual
- PACER QA environment: To ensure scripts work, users can test them in the QA environment at https://qa-pacer.uscourts.gov/. You must have a PACER account to use QA. To register for a PACER test account, visit https://qa-pacer.psc.uscourts.gov/pscof/registration.jsf. There is no charge for QA searches, so you may skip the credit card portion of the registration. Your QA account will be activated overnight.
- · Learning aids:
 - Multifactor Authentication (MFA) Authentication Applications: describes the MFA enrollment process by adding an authentication application (app), as well as how to delete an authentication app.
 - <u>Multifactor Authentication (MFA) Backup Codes</u>: describes the MFA enrollment process by getting backup codes, as well as how to delete backup codes.
 - <u>Multifactor Authentication (MFA) Logging In:</u> describes the login process after enrolling in MFA, and what to do if you do not have access to your MFA method(s).

If you have any questions, please contact the PACER Service Center at $\frac{pacer@psc.uscourts.gov}{pacer}$ or (800) 676-6856. The PACER Service Center hours of operation are Monday through Friday 8 a.m. to 6 p.m. CT.

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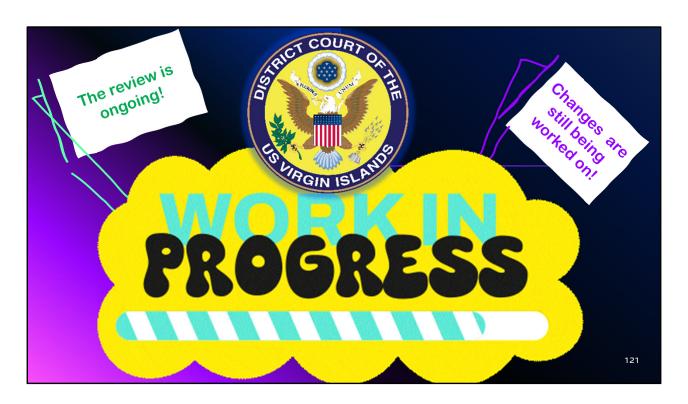
 ${\sf Elsie\text{-}Mae-The\ District\ Court\ of\ Virgin\ Islands\ is\ also\ conducting\ some\ reviews\ of\ its\ own.}$

COURT		
	DISTRICT COURT OF THE VIRGIN ISLANDS	
	REGULAR ATTORNEY ADMISSION APPLICATION	
DIRECT	Printing and mailing costs not apply to you, write none of IVA. Applications that are not incomplete maybe denied.	
Applicant's F	Full Legal Name:	
Firm/Busines	Paper submission	
Telephone Nu	umber: Ţ	
Fax Number:		
No ap	plicant interaction with CM/ECF	
Please a submit a charge, a	GROUND QUESTIONNAIRE Inswer these questions yes or no. If you answer yes to any of these questions you must It statement under the penalties of perjury which includes the relevant facts, court, It date, whether the occurrence was disclosed to the highest court of the state(s) in which	
	admitted, disposition, whether the occurrence was an isolated incident, and any other a deem relevant.	119

We are currently reviewing the paper process relative to regular attorney bar admissions. Our review has included feedback from you



The next generation (NextGen) of CM/ECF provides a new attorney admissions and e-file registration module, which allows attorneys to request admission to practice or file in a NextGen court. As part of our audience today, you get to know this exciting information as the Court is currently transitioning to this system.



Please understand that we are still a work in progress. The review is still ongoing, and changes are being worked on.



This is now your call to action and making sure that you are prepared. Whether you are an applicant, a sponsoring attorney or support staff to both.





Lana-Now that is exciting information Elsie-Mae. Questions, anybody?



Elsie-Mae- It's wonderful participants such as yourself that make trainings like this a HUGE success. We couldn't do this without you! You will be receiving a survey shortly to provide us with feedback on how we did. We hope you will take the time to complete it.



Elsie-Mae – Again, on behalf of the Clerk's Office and our Clerk of Court Attorney Lake, we just want to say a big thank you to everyone who attended today and participated!

Lana, remember, all feedback is good feedback! Thank you all! Have a great day and great weekend!