

FREQUENTLY ASKED QUESTIONS

If you have a CM/ECF question and cannot find the answer here, please feel free to contact the clerk's office at 303-844-3157. Please contact the PACER Service Center at 800-676-6856 for any technical questions or requests for technical assistance.

1. What documents may be filed using CM/ECF? What documents may not be filed?

Counsel must file all documents with the court using CM/ECF. In addition, please note that while you may not open a new appeal via ECF you have the option to submit petitions for agency review, petitions for permission to appeal, and original writs using CM/ECF. Notices of appeal will continue to be forwarded by the trial courts. Original and agency matters may be submitted via ECF, in paper form, or via email to clerk@ca10.uscourts.gov.

2. Do I need to send the clerk a paper copy of a document filed through CM/ECF?

No, with the exception of briefs and petitions for rehearing en banc. You must provide the court with seven copies of any brief filed and six copies of any petition for rehearing en banc filed. The hard copies must be received within two business days of filing via ECF.

3. Does my document need a certificate of service?

Yes. A certificate of service is required for all filings. The certificate should be the last page of the document.

4. Am I required to serve a copy of my document on the other side, or does my filing through CM/ECF fulfill that requirement?

You may effect service using ECF for all parties who are registered ECF participants. Parties and counsel should note, however, that the duty for confirming service remains with the party serving the pleading. When the opposing party is not an ECF participant, service must be effected through traditional means.

5. The opposing party/attorney is not participating in CM/ECF. How do I serve them?

When the opposing party/attorney is not an active participant in CM/ECF, you must serve them in the traditional manner (generally through service of a hard copy via regular mail). *See* Federal Rule of Appellate Procedure Rule 25(c)(1); 10th Cir. R. 25.4. You can determine whether a case participant can be served via CM/ECF by looking at the Notice of Docket Activity sent to you, by reviewing

the docket sheet in PACER, which contains all noticing information for parties/attorneys, or by utilizing the “Service Method Report” available in ECF under the “Reports” drop-down menu.

6. I am a pro se party in an appeal. Am I required/expected to file my documents through CM/ECF?

Pro se parties are not required to file documents with the court using CM/ECF. Should a pro se party wish to do so, however, he/she can file a motion with the court requesting permission to file electronically in a specific case. A motion is required. An order granting the motion will be a prerequisite to filing via the court’s ECF system. If an order granting the request issues, the pro se party may register to use CM/ECF.

7. Can I view pro se filings through CM/ECF and PACER?

Yes. The clerk’s office will scan all pro se filings and will attach them to the relevant docket entries as PDFs.

8. What is a Notice of Docket Activity?

A Notice of Docket Activity (NDA) is a notice sent via email that is generated when a docket transaction requires that notice be sent to attorneys, case participants, and/or court personnel. NDAs can be generated when a party or attorney files a document with the clerk’s office or when the court enters an order or takes other public action in a case. If you are a CM/ECF participant, your receipt of the NDA is service of that document or order, and registration in the CM/ECF system constitutes consent to receive service through the NDA. Generally, an NDA contains a hyperlink back to the court’s docket sheet and the document in question. When parties receive an NDA they can click on the document and obtain a “free look” at the document. Because there is only one free look, parties should be sure to save the document upon that initial review. In the district court and bankruptcy court systems the NDA is called the Notice of Electronic Filing (NEF).

9. Why did I receive a second Notice of Docket Activity for my filing?

The clerk’s office reviews all attorney filings as part of its quality control procedures. In the event a case manager finds an error or needs to modify the docket text for the event and filing, he/she will make the necessary changes and send a new Notice of Docket Activity to the case participants. If you receive a second Notice of Docket Activity and cannot determine the reason for the second Notice, please contact the clerk’s office.

10. Can I receive a daily summary of all my notices, or am I required to

receive a Notice of Docket Activity for every action or activity in my case(s)? PACER gives you the option of receiving a daily summary or individual event noticing. The default is individual event noticing, but you can change that by updating your account information at the Pacer Service Center under “Filer Account Update.” If you prefer a daily summary, select “Daily Summary” instead of “Each Transaction” on the “Notice of Docket Activity Frequency” option.

11. I am not shown as an attorney in the case, but I want to file on behalf of one of the parties in the appeal. How do I do that?

The clerk’s office relies on the notice of appeal and district court docket sheet when opening a new appeal and setting up the party and attorney information. In some instances that information is not complete or may change after the appeal is opened, and you may need to be added as an attorney in the case. Until you are added as an attorney in the case, you will not receive NDAs from the court nor will you be able to file any documents other than an entry of appearance. Once you have filed an entry of appearance in the appeal and the court has reviewed that pleading, you will be eligible to receive NDAs and to file further documents in the appeal. Remember, you must register with the PACER service center as an appellate filer and receive a CM/ECF login/password before you can use CM/ECF. In addition, please note that because court review of entries of appearance is required, you will not be able to file as a new attorney until that review is completed.

12. I want to enter my appearance in an appeal. How do I do that?

You must be an authorized appellate CM/ECF user with a valid Tenth Circuit CM/ECF login and password in order to file an entry of appearance or any other pleading. Authorized users may complete the entry of appearance form found in the “Forms” section of the court’s website. Save the form to your computer, complete it, and attach it in PDF format to the “Notice of Appearance Filed” docketing event/option in the court’s CM/ECF system. Information on how to docket pleadings is available via the ‘Help’ drop-down menu accessible in the top menu bar, as well as in the court’s “CM/ECF User’s Manual.”

13. I want to file a document under seal. How do I do that?

After logging into CM/ECF and entering your appeal number, you must select the “Sealed Briefs and Motions” category. These events were specifically designed to seal all pleadings filed in this category. You may file a sealed motion, response, or brief in this manner. Failure to select the “Sealed Briefs and Motions” category will result in your pleading being filed as a public document. Please contact the clerk’s office if you have any questions.

14. I made a mistake, such as filing in the wrong case or submitting an incorrect document. What should I do?

You cannot delete events or documents, nor can you make changes to completed docketing events. If you have made an error, contact the clerk's office. Our office will delete the document and modify the docket text to reflect what has been done. You may then re-file the document using the regular CM/ECF filing procedures. Parties and counsel should be aware the court will not automatically extend the deadline for filing in the event of user error.

15. I am unable to view a pleading in a Social Security case or in an immigration petition for review. Is there a problem?

There is no problem. Electronic access to pleadings filed in Social Security and immigration cases is restricted to the attorneys or parties in the case in order to protect the privacy of the individuals involved. You may review materials from these cases in person in the clerk's office. *If you are a party or attorney in the case, please note that you can access documents in these proceedings only through the use of your CM/ECF filer ID and password. You will not be able to access them through your PACER ID and password (that is, the PACER viewing account). Please see the court's CM/ECF User's Manual at page 13 for additional information on using the CM/ECF filer ID and password.*

16. I represent a party that wants to be added to an appeal, such as an amicus. How do I do that?

After logging into CM/ECF and entering your appeal number, you must select the "Amicus/Intervenor's Motions/Briefing" category. You must either select the "Motion to Become an Amicus Curiae" or "File an Amicus Curiae Brief." If you are moving to intervene in an appeal, you must choose "File a Notice of Intervention." You must enter the name of the party(s) filing the pleading when you are docketing the selected event.

17. What help is available for CM/ECF?

The court has created a User Manual to aid attorneys using ECF. The manual is available on the court's website at www.ca10.uscourts.gov. In addition, we have created training modules which are available in both interactive and printable form. Those modules can also be found on the court's website under the "Court Docket and E-filing" tab. We strongly encourage counsel to review all available training modules before filing in the ECF system.

You may also contact the clerk's office for assistance with filing. If you are having difficulty registering for CM/ECF or have questions about your PACER or CM/ECF accounts, you should contact the PACER Service Center at 800-676-

6856. If you need to modify or update either your PACER or CM/ECF accounts, you may do so at the PACER website: <https://pacer.gov>
The PACER Service Center maintains extensive lists of FAQs for both PACER and CM/ECF. You may access them at the PACER website.

18. When is CM/ECF available?

The system is always available (except for routine or emergency maintenance), and you should be able to file anytime. Notices regarding down times for CM/ECF will be posted on our website. Filings completed before midnight Mountain Standard Time will be docketed as of that day. Please note filings received on Saturday, Sunday or a federal holiday will be considered filed on the next business day.

19. I am able to log in to CM/ECF, but I cannot see anything. What's going on?

Most likely, you simply need to update the version of JAVA that you have on your PC. Go to www.java.com and download the latest version of JAVA (it is a free download). Restart your PC and try again. We have found that 90% of the problems experienced with CM/ECF can be attributed to not having the proper version of JAVA loaded.

In addition, we have found CM/ECF issues are often attributed to the need for a more current version of the web browser. CM/ECF has been certified to work with Mozilla Firefox, Internet Explorer versions 8.x/9.x or higher, and Safari.

20. I need to file something but I cannot log in. What's going on?

Make sure that you are actually registered to use ECF for the 10th Circuit. Some people mistakenly believe that if they are registered for another circuit, they are automatically able to file in any circuit. ECF users must register for each circuit separately. Similarly, if you have an ECF login/password for a district court, you will also need to register to file in this circuit. Your district court log in will not allow you to do so.

Also, having a PACER login/password (i.e., a “viewing account”) does not mean you are automatically registered for ECF. PACER and ECF are two separate entities, and separate registration is required for each. If you have forgotten your username and/or password, you must contact PACER. The court does not have access to that information.