

Best Practices from the Clerk's Office

Local Practices and Procedures, Filing in CM/ECF, and eVoucher

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Best Practices and Procedures

- Local Rules and Judge Preferences
- Motions to Continue
- Reminders, Best Practices, and FAQs

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Local Rules You May Have Forgotten!



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Local Criminal Rule 44.1(b)

- Appearances of Attorneys in Criminal Cases
 - Requires counsel to indicate in the signature block whether counsel is appointed, retained, or appearing pro bono.

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Local Criminal Rule 57.6

- Courtroom Technology Training
 - If the party has a need to use any type of courtroom technology for a hearing or trial, the party must:
 - Notify the case manager,
 - Request training from the court's IT staff, AND
 - File certification that training has been completed.

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Judges' Preferences

VISITOR INFORMATION: Mobile devices and we

WELCOME

The mission of the United States District Court for the Eastern District of North Carolina is to support, providing an impartial forum for the just resolution of disputes. The clerk's office, as the doorway to the prompt service with a commitment to professionalism, teamwork and efficiency based on our belief that our motto is "Service to the Public, Support to the Court."

We serve 44 North Carolina counties from Raleigh to the Atlantic coast and are under the United States and filed. Court is held in six cities in the District: Elizabeth City, Fayetteville, Greenville, New Bern, PA. Pleadings may be filed in the Office of the Clerk in Raleigh, Greenville, New Bern or Wilmington regis. For office hours and directions to specific locations, please visit our [Court Locations](#) section.

Latest News

- [2024 Independence Day Holiday Order](#)
- The Pro Bono Work to Empower and Represent (POWER) Act was signed into law in September abuse and sexual violence. The Eastern District of North Carolina is honored to cosponsor a virtual take place on Friday, September 22, 2023 at 12 p.m. (EST). [Click here](#) to access additional information.
- October 28, 2022 - [Standing Order 22-SO-2 J.M. IN RE: PROHIBITION OF WIRELESS COMMUNICATIONS](#)
- September 22, 2022 - [Standing Order 22-SO-1 IN RE: GUILTY PLEAS IN CRIMINAL FELONY CASES](#)
- January 8, 2021 - [Standing Order 21-SO-2 IN RE: PROCEDURES FOR THE FILING, SERVICE, AND MANAGEMENT OF HIGHLY SENSITIVE DOCUMENTS](#)
- March 14, 2017 - [Learn about our Pro Bono Program](#).
- [More news >>](#)

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Motions to Continue

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WHEN A CALENDAR IS PUBLISHED ...



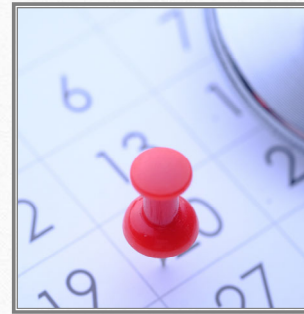
- U.S. Marshal begins arranging transport of prisoners
- U.S. Probation prioritizes work so PSR may be filed 7 days prior to hearing
- Clerk's office schedules court reporters and interpreters
- Case managers pull files, prepare forms, and organize materials for hearing
- Judges start reviewing cases

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DEADLINES FOR MOTIONS TO CONTINUE

- Chief Judge Myers: 3 business days prior to the first day of the term
- Judge Boyle: Notice of hearing specifies a specific deadline for filing
- Judge Flanagan: 7 days prior to hearing
- Judge Dever: 5 business days prior to the session
- Interpreters: the Court must give an interpreter 24 hours cancellation notice!



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Motions to Continue

ASK FOR WHAT YOU WANT!

- Be specific (i.e., a specific day or term vs “later term” or “short continuance”)
- If the motion is based on an issue that will take a long time to resolve, include the information in the motion and ask for the appropriate amount of time

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Motions to Extend Deadlines and to Continue

- Title the motion to include both!
- Be specific about the motions deadline (e.g., NOT “thirty day continuance and the pretrials motions deadline be extended accordingly”)
- Include the deadline in the motion and the proposed order
- When filing in CM/ECF, chose **both** motion types when filing your motion

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Reminders and Best Practices

- Courtroom Check-in
- Status Check on Motions
- Motions to Withdraw as Counsel filed in an ongoing case
- Scheduling Conflicts

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FAQ

- When a transcript is produced (not at attorney request) and the redaction notice is provided, how does the attorney review the transcript for possible redactions?
 - Available only for viewing at the public terminal
 - May purchase a copy from the court reporter

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FAQ

- Why can't I see a copy of the court's jury instructions on the docket sheet?
 - Judge preference!

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FAQ

- When filing a motion for leave to file an exhibit manually, should I wait for a ruling before filing the exhibit, or may I file the exhibit contemporaneously?
 - File contemporaneously!

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FAQ

- I've been appointed on appeal. How may I get copies of sealed material, presentence reports, etc, for appeal?
 - Contact prior counsel for sealed material
 - For PSR and SOR email: ncepml_wilson_collaterals@ncep.uscourts.gov

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FAQ

Interpreters

- My client needs an interpreter for a hearing and one is not listed on the calendar. What should I do?
 - Let the case manager know immediately!

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Attorney CM/ECF Best Practices

An Eastern District of North Carolina (EDNC) Guide

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Attorney CM/ECF Best Practices

- Welcome to the Eastern District of North Carolina's Case Management/Electronic Case Filing (CM/ECF) System.
- We will discuss helpful reminders as to filing in the CM/ECF system.
- CM/ECF is to be used in conjunction with the Eastern District of North Carolina Local Rules and the Eastern District of North Carolina CM/ECF Policy and Procedures Manual, both found under the CM/ECF tab on www.nced.uscourts.gov.

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Attorney CM/ECF Best Practices

- Prerequisites to E-Filing:
 - Admitted to the Eastern District of North Carolina Bar.
 - Completed the CM/ECF Registration form in hard copy with wet-ink signature.
 - Registered Via PACER for e-filing privileges in the Eastern District of North Carolina.
 - Completed CM/ECF training class in the EDNC or another district/bankruptcy court.

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Attorney CM/ECF Best Practices

- Resources and Self-Help
 - Help Desk at 1-866-855-8894 or 919-645-1700
 - E-Mail the Help Desk at nced-ecf@nced.uscourts.gov
 - Website at www.nced.uscourts.gov
 - The CM/ECF Tab - Policy & Procedures Manual, Instructional Guides, FAQs, & CM/ECF Registration Information
 - The Attorney Tab - Bar Admission Information, Local Rules
 - The Forms Link - Commonly Used Fillable Forms
 - The Judges Link - Practice Preferences
 - The County List Link – EDNC Internal Divisional County Assignment List
 - PACER at www.pacer.gov

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Attorney CM/ECF Best Practices

- CM/ECF and Portable Document Format (PDF)
 - All documents uploaded into CM/ECF must be converted to text-searchable, flattened PDFs.
 - The BEST way to produce a PDF that works correctly with CM/ECF is to:
 - Print > Print As > Choose the PDF writing program on your computer
 - (Export to PDF, Print to PDF, and Save to PDF do not produce CM/ECF compatible documents.)
 - Scanner produced PDFs require scanner settings of 300 dots per inch (DPI), Optical Character Recognition (OCR), and Black & White.

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Attorney CM-ECF Best Practices

- CM/ECF and Portable Document Format (PDF) – File Sizes
 - The maximum individual document size is 50 megabytes.
 - The maximum merge file size (main document plus one or more attachments) is 60 megabytes.
 - There is a way to file items which exceed these limitations. “Notice–Other”
 - Filers are strongly encouraged to create all PDFs before starting the filing process.
 - CM/ECF **Does Not** provide reminders/prompts to users as to file sizes as files are uploaded.
 - CM/ECF will permit a filer to try to exceed the maximum file size UNTIL the final submission screen when the filer’s document(s) will fail to save within CM/ECF.

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Attorney CM-ECF Best Practices

- Again, any document using a fillable form **MUST BE** flattened – Print>Print as>Choose your PDF writing program.
- If edits are made to a document after conversion to PDF, repeat the process of Print > Print as > select the PDF writing program on your computer to resave the document.
- Documents must not contain personal identifiers such as social security numbers, full financial account numbers, or names of juveniles.
- Documents must not contain hyperlinks or other imbedded items.
- Documents must be in text searchable format – use the OCR setting.

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Attorney CM-ECF Best Practices

- Each attachment to a main document must be separately attached, categorized, &/or described.
- The Optional Text Box in docket entries is ONLY used to more fully describe the document being filed, it is NOT used to attach/include a separate document.
- When filing a motion for leave to file a document, the motion is the main document and the subject document is an attachment to the motion, not a separate docket entry.
- **NEVER** remove the check mark from the “Notice” box.

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Attorney CM-ECF Best Practices

- Ensure that the name of the attorney who is logged into CM/ECF matches the attorney’s name on the signature line of the document being filed.
- File your notice of appearance electronically even if the clerk has already put you in a case.

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Attorney CM-ECF Best Practices

- CM/ECF or PACER
 - CM/ECF is for filing.
 - PACER is for searching or viewing.
 - Prior to the current version of CM/ECF (NextGen), each appellate, district, and bankruptcy court, as well as PACER, issued entirely separate credentials.
 - With NextGen CM/ECF, one set of access credentials is created via a user's personal (not firm) PACER account. Each individual court will then locally manage any e-filing privileges extended by said court's CM/ECF system.

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Attorney CM-ECF Best Practices

- Accessing CM/ECF
 - Users may access any court's CM/ECF system via www.pacer.gov and then navigating to the desired court
 - Users may also access the EDNC CM/ECF system from the CM/ECF tab on the court's website at www.nced.uscourts.gov
 - Once on the CM/ECF tab, click on "Login to CM/ECF"

login

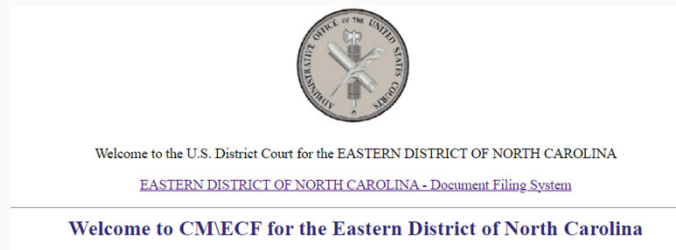
- Login to [CM/ECF](#)
- Login to [PACER Case Locator](#)

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Attorney CM-ECF Best Practices

- Click on the “Eastern District of North Carolina – Document Filing System” Link



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Attorney CM-ECF Best Practices

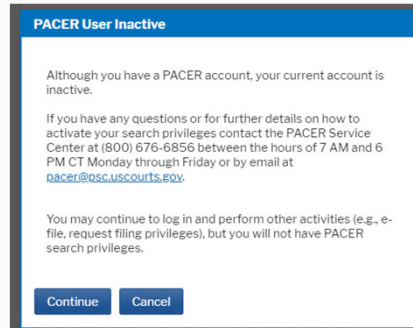
- Enter the attorney filer's personal (Not Firm) PACER credentials. Click “Login.”

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Attorney CM-ECF Best Practices

- Click “Continue.”

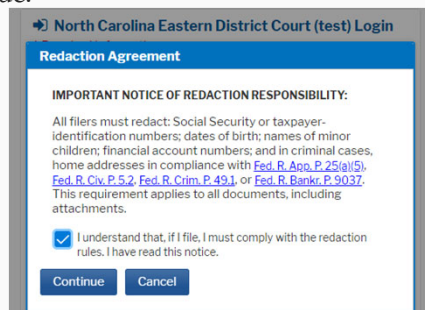


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Attorney CM-ECF Best Practices

- Accept the Redaction Acknowledgment by clicking once in the white box. Then click “Continue.”



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Attorney CM-ECF Best Practices

- The CM/ECF Navigation Bar is presented.



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Attorney CM-ECF Best Practices

- Clicking on “Log Out” will terminate the CM/ECF session.

Log Out

- Logging out between sessions helps ensure that the right filer is logged in.
- Logging out between sessions ensures that the right staff have account access.

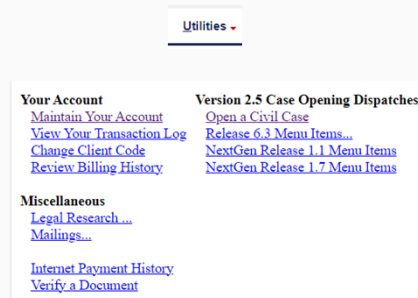
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Attorney CM-ECF Best Practices

- Clicking on “Utilities” will present resource options.

- Example



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Attorney CM-ECF Best Practices

- Click on the “Maintain Your Account” option under “Utilities.”



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Attorney CM-ECF Best Practices

- The User is Presented with the Following Screen.

[Edit Name and Address Information](#)

Last name Zero	First name Train Attorney	
Middle name	Generation	
Gender	ATY Type	
Title	Person Type Attorney	Pro Hac Vice
Office		☐ Add Headers to PDF Documents
Unit North Carolina		
Address 1 4300 Fathom Court		
Address 2		
Address 3		
City Raleigh	State NC	Zip 27606
Country USA	County	Province
Firm		
Bar Membership ID	CJA Status	
Bar Membership Status	Fax	
Primary Phone 919-645-1700	Text Phone	DOB 04/01/1963
Alternate Phone		
Initials	Drivers License Number	Drivers License State
SSN		
Attorney Admissions Documents		
Document	Description	
Email information...	More user information...	
Submit		

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Attorney CM-ECF Best Practices

- Points on Notices of Appearance:

CM-ECF Civil Criminal Query Reports Utilities Search Help Log Out

Notices
7:24-cr-00003 USA v. Joan

Collapse All	Expand All
- USA pla - Joan, Lola (1) dft	Select the filer..... Select the Party: USA [pla] Joan, Lola (1) [dft] Next Clear

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Attorney CM-ECF Training

The screenshot shows the CM-ECF web interface. At the top is a navigation bar with links: Civil, Criminal, Query, Reports, Utilities, Search, Help, and Log Out. Below this is a 'Notices' section with a link to '7:24-cr-00003 USA v. Joan'. The main content area is divided into two panels. The left panel, titled 'Collapse All' and 'Expand All', shows a tree view with 'USA pla' and 'Lola Joan (1) dft'. The right panel, titled 'Select the filer.....' and 'Select the Party:', contains a dropdown menu with 'USA [pla]' and 'Joan, Lola (1) [dft]'. Below the dropdown are 'Next' and 'Clear' buttons.

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Attorney CM-ECF Training

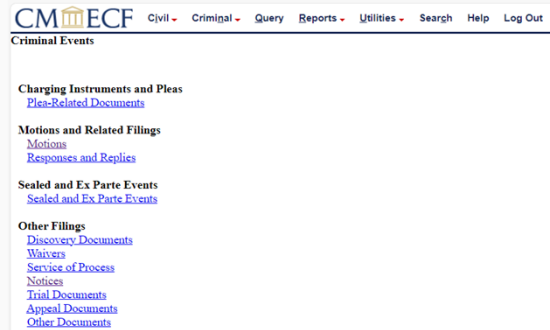
The screenshot shows the CM-ECF web interface. At the top is a navigation bar with links: Civil, Criminal, Query, Reports, Utilities, Search, Help, and Log Out. Below this is a 'Notices' section with a link to '7:24-cr-00003 USA v. Joan'. The main content area contains the following text: 'The following attorney/party associations do not exist for the above case(s). Please check the box on the left of the screen for associations which should be created. If the association should *not* be created, be sure the box is *unchecked*'. Below this text is a table with one row: 'Lola Joan (pty:dft) represented by John Doel (aty)'. To the right of this row are three checkboxes: 'Lead' and 'Notice', both of which are checked. Below the table are 'Next' and 'Clear' buttons.

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- Points on Motion Filing:



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CM-ECF Civil Criminal Query Reports Utilities Search Help Log Out

Motions

[7:24-cr-00003 USA v. Joan](#)

Next Clear

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CM-ECF Civil Criminal Query Reports Utilities Search Help Log Out

Motions

[7:24-cr-00003 USA v. Joan](#)

Collapse All Expand All

- USA [pla]
- Lola Joan (1) dft

Select the Party:

USA [pla]

Joan, Lola (1) [dft]

Next Clear

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Attorney CM-ECF Training

CM-ECF Civil Criminal Query Reports Utilities Search Help Log Out

Motions
7:24-cr-00003 USA v. Joan

Start typing to find another event.

Available Events (click to select events)	Selected Events (click to remove events)
Expedite	Continue
Extension of Time	Extension of Time to File Document
Extension of Time re Transcript	Expedite
Extension of Time to File Document	Inspect
Extension of Time to File Response/Reply	
Extension of Time to Indict	
File Excess Pages	
First Step Act - Section 404 Motion	
Forfeiture of Property	
Handwriting Exemplars	
Hearing	
In Limine	
Inspection	
Issuance of Warrant in rem	
Jenks Material	

Next Clear

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Attorney CM-ECF Training

CM-ECF Civil Criminal Query Reports Utilities Search Help Log Out

Motions
7:24-cr-00003 USA v. Joan

Docket Text: Modify as Appropriate.

☐ MOTION to Continue
 ☐ MOTION for Extension of Time to File
 ☐ MOTION to Expedite
 ☐ MOTION to Inspect
 filed by Lola Joan. (Doel, John)

Next Clear

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Attorney CM-ECF Training

- Not This:

CM-ECF Civil Criminal Query Reports Utilities Search Help Log Out

Motions
7:24-cr-00003 USA v. Joan

Start typing to find another event.

Available Events (click to select events)

- Appoint Counsel - Drug Quantity Table
- Appoint Counsel - Johnson
- Appoint Expert
- Bifurcate
- Bill of Particulars
- Bond
- Brady Materials
- Certificate of Appealability
- Change Venue
- Compel
- Consolidate Cases
- Continue**
- Continue Sentencing
- Correct Sentence Pursuant to Rule 35a
- Declaration of Mistrial

Selected Events (click to remove events)

Continue

Next Clear

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CM-ECF Civil Criminal Query Reports Utilities Search Help Log Out

Motions
7:24-cr-00003 USA v. Joan

Docket Text: Modify as Appropriate.

▼ MOTION to Continue Expedite, Extend Time to File filed by Lola Joan. (Doel, John)

Next Clear

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Attorney CM-ECF Training

- CJA Toggle

In the past, CJA users had separate PACER accounts for private and CJA work. This is no longer the procedure. You will use the same PACER account for private work and CJA work. CJA users can request that CJA privileges be activated on their PACER account by emailing pacer@psc.uscourts.gov. In your email include your PACER account number and the district in which you have been appointed to the CJA panel. [Learn more about turning on your CJA exempt status](#) when performing CJA work in Current and NextGen courts.

NOTE: If you are logged in as a CJA attorney, make sure you are only doing CJA work. Exempt usage is closely monitored by the court, and you will be subject to charges if you are not doing exempt work.

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Attorney CM-ECF Training

Change PACER Exemption Status

Last modified on July 13, 2023

NextGen Release 1.1 provides access to users who are exempt from Electronic Public Access fees assessed in specific cases. These users are responsible for setting/changing the value dependent upon the circumstances/cases for which they are exempt. The **Change My Exemption Status** utility redirects users to the **PACER Login** page.

To access:

Select **Utilities -> NextGen Release 1.1 Menu Items -> Change PACER Exemption Status**

When a user who is always exempt logs in, or when a user who is sometimes exempt has just changed their status to exempt (after logging in), the words **PACER fee: Exempt** appears in bold red text on the selection criteria pages for billable reports and queries. When a user is using their non-exempt account, the text displays: **PACER fee: Not exempt**.

If the user is sometimes exempt and accesses another court within the same session, the PACER fee exempt status continues to apply in the other court. However, if a user who is sometimes exempt in one court accesses another court where they are not exempt, the exemption status does not apply in the other court. After business is completed, it will again be the user's responsibility to set the value back to **PACER fee: Not exempt** before running any other reports or queries for that should be billed.

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Note: In NextGen CM/ECF, **CJA** attorneys or other PACER account holders that have exempt status cannot move from court to court without having to reset the exempt **toggle** for each court system (CM/ECF) they query data or cases from. PACER account holders that have exempt status experience this situation because CM/ECF is creating the PACER exemption cookie locally, and it is not recognized by other court CM/ECF applications as a valid exemption cookie.

Workaround:

The **CJA** attorney or PACER exempt users must log in to the new court server and set the PACER **toggle**. If users do not do this, they must then contact the PSC to dispute the charges and identify which queries should have been exempt.

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National Exemption **Toggle**

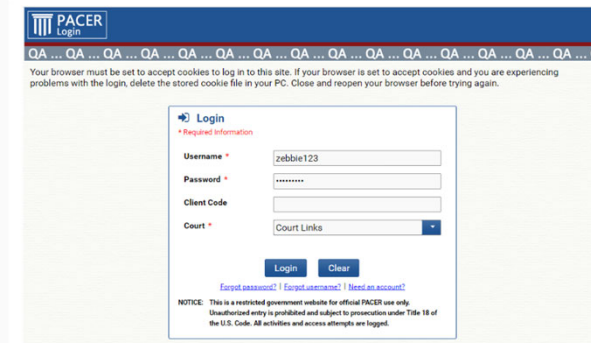
The **Change PACER Exemption Status** screen allows users to **toggle** between exempt and not exempt statuses depending on the situation. The cookie being set here is PacerCXCode.

- Login at the National Login screen <https://qa-pacer.uscourts.gov>, select **Case Search Sign In**, located at the top-right of the page.
- Click the drop-down link adjacent to **"Where would you like to go?"** and select an option.
- Click **Login**.

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EDNC eVoucher

- Electronic Funds Transfer!
- Reminders

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Vendor Manager

Vendor Manager
Manage your contact, business, and account information.

Welcome to Vendor Manager!

Vendor Manager allows individual and business entities to register and maintain their tax and bank information with the U.S. Courts for receiving electronic payments and proper reporting to the IRS.

Let's get started...

To create your vendor account, you will need:

1. Your personal contact information.
2. Tax classification and Tax ID information.
3. Your bank information for receiving payments via EFT.

[Create My Account](#)

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Vendor Manager

Vendor Account Setup

Vendor Information

Enter your personal contact information and mailing address. You will enter your Tax ID and payment info in the next steps.

First Name: [Text Field] Middle: [Text Field] Last Name: [Text Field] Suffix: [Text Field]

Email: [Text Field]

Address: [Text Field]

City: [Text Field] State: [Dropdown Menu] Country: [Text Field]

Country: [Text Field]

Phone: [Text Field] Phone Type: [Text Field]

Tax ID: [Text Field]

Business Type: [Text Field]

Tax Information

For the purposes of this vendor you are representing considered a U.S. entity?

Yes No

Answer Yes for the vendor:

- Is an individual who is a U.S. citizen or U.S. resident alien?
- Is a partnership, sole proprietor, company or corporation created or organized in the United States or under the laws of the United States?

What type of Tax Identification Number (TIN) is associated with the vendor?

Yes No

Tax ID: [Text Field]

EIN: [Text Field]

Business Type: [Text Field]

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Vendor Manager

5 It's Information

Enter the EIN associated with your business entity and click **Search**.

Enter an EIN **Search**

No Matches Found
A business entity must be registered with Vendor Manager to receive payments and IRS 1099 forms, if applicable. Are you authorized to register and manage this business entity?

By registering this business entity, I agree to:

- Maintain, and keep current, the address, tax, and banking information for this business.
- Manage vendor requests to link to this business for payments.

I am Authorized to Register this Business

I prefer to notify the authorized agent to manage this business entity. The authorized agent will:

- Maintain, and keep current, the address, tax, and banking information for this business.
- Manage vendor requests to link to this business for payments.

Notify the Authorized Agent for this Business

Previous

6 Back Information

7 Review

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Reminders

- Request for Authorization for Funding
 - Almost all requests for funding for expert/investigative services must be filed in eVoucher
 - Exception: Retained attorney, but client is now indigent and needs funds for services
 - Exception: Your AUTH in eVoucher was denied or approved in amount less than requested
 - Must attach EDNC Ex Parte Request for Services Form
 - If the Auth is denied or approved in an amount less than requested, to preserve the issue for the record, file a motion to reconsider using the Ex Parte Motion for Expert, Investigative, or Other Services Event

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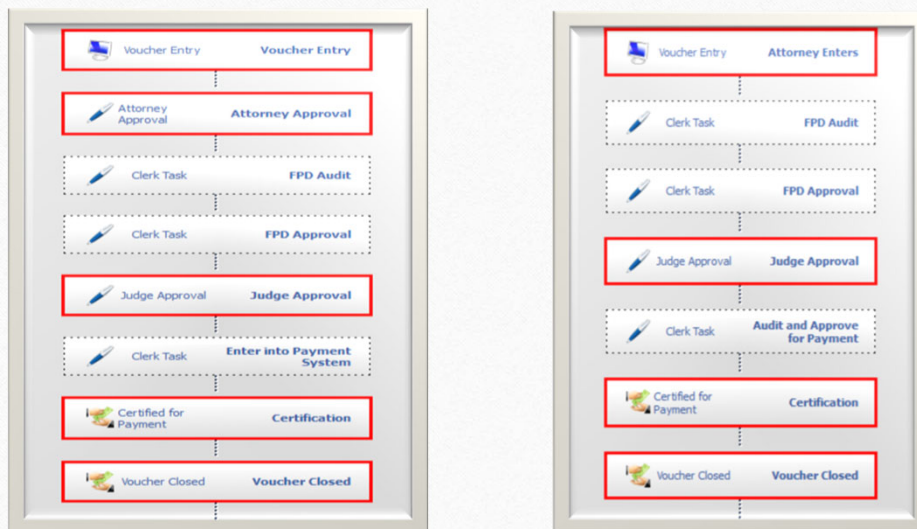
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Reminders

- Administrative tasks are not compensable
 - Accessing, downloading, opening, renaming, saving, printing, or forwarding electronic files vs. reviewing a document's substantive content
 - Entering class, meetings, due dates, or court appearances in a calendar
 - Role or routine communications regarding scheduling, including with the court
 - Leaving non-substantive voicemail messages
 - Filing documents in CM/ECF, unless it takes an unusual or extraordinary amount of time
 - Creating payment vouchers in eVoucher and entering billed time/expenses
 - Emailing courtesy copies or proposed orders
 - Copying, scanning, or printing
 - Office filing and preparing documents for mailing

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Questions?

- Lisa Lee, lisa_w_lee@nced.uscourts.gov, 252-830-2331
- Scott Cannon, scott_cannon@nced.uscourts.gov, 919-645-1722
- Alyssa Hockaday, alyssa_hockaday@nced.uscourts.gov, 919-645-1749

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