

CAVC EFiling Newsletter



US Court of Appeals for Veterans Claims, 625 Indiana Ave., NW Suite 900 Washington, DC 20004
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Java Issues

There are some incompatibility issues with CM/ECF and Java Version 6 Update 18, 19, and 20. EFiling users may encounter a “Not logged in” error when they efile a pleading. If so, follow these instructions:

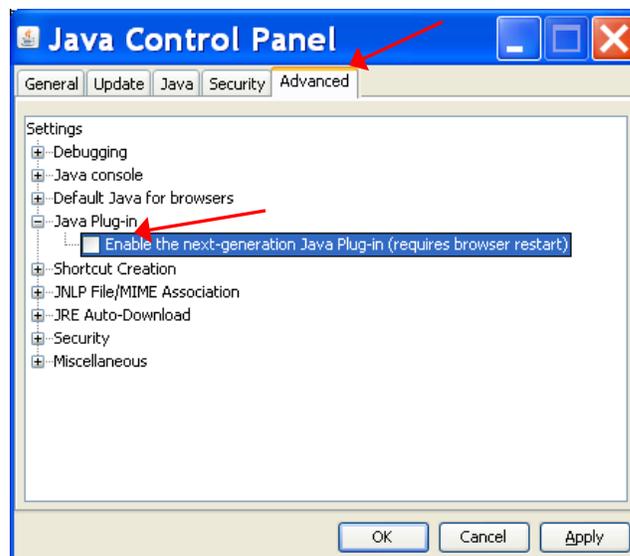
- Close all Internet Explorer windows
- Click Start – Control Panel
- Click “Switch to Classic View” (if necessary)
- Double click on “Java” to open the Java Control Panel
- Click on the Advanced tab
- Click on the “+” sign next to Java Plug-in
- Uncheck the box for “Enable the next-generation Java Plug-in”
- Click Ok and close the windows

Windows EFiling users using Mozilla Firefox as their internet browser and Mac EFiling users do not seem to have issues with the new Java updates.

Any difficulties with the CM/ECF program, please contact the EFiling Desk at efiling@uscourts.cavc.gov or 202-418-3453.

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EFiling and Macs

Mac users who have the 64-bit Macintosh with OS X Leopard 10.5 will now be able to access CM/ECF and successfully log into the application. Apple is providing Java 1.6 support required by CM/ECF only for the 2nd generation of Intel Macs running the latest version of OS X - 10.5 Leopard. Mac users with an older 32-bit OS will still **not** be able to launch CM/ECF since Apple has not released Java 1.6 for this environment. Virtualization softwares, such as Parallels or Fusion, can be used as a workaround for Mac users to run the CM/ECF application. The virtualization products Fusion and Parallels also require Intel-based Macs. VMware Fusion 2 requires the Intel Core Duo processor and OS X 10.4.11 or later. Parallels requires the Intel Core Solo or better, and also requires OS X 10.4.11 or later. One additional clarification -- the **Public Access portion of CM/ECF remains fully compatible with older Power PC-based Macs**, so it should work fine for all Mac users.

ESubmission E-mail

To open a new case at the US Court of Appeals for Veterans Claims, case-initiating documents must be submitted to the Court by postal mail, hand-delivery, facsimile, or e-mail to

esubmission@uscourts.cavc.gov. Case-initiating documents can be:

- A Notice of Appeal
- Or a Petition

They may be accompanied by other documents such as:

- Payment or a Declaration of Financial Hardship
- Notice of Appearance
- Fee Agreement

If e-mailing the case-initiating documents, each document must be a separate PDF file. Attach the PDF files to one e-mail to esubmission@uscourts.cavc.gov. The attorney(s) will be notified by e-mail once the case has been opened and assigned a docket number. **Once the case has been assigned a number, attorneys must efile subsequent pleadings (including the Declaration of Financial Hardship).** Attorneys, PLEASE DO NOT send pleadings by mail, fax, or e-mail anymore.

The ESubmission e-mail address is only for submitting case-initiating documents. Questions, requests and other correspondences should be sent to the E filing Desk at efiling@uscourts.cavc.gov or 202-418-3453.

Sealed Cases

Once the order granting the motion to seal the case is issued, the case is closed and a new sealed case is opened. A new Notice of Docketing will be issued stating the new case title and new docket number of the sealed case. **PLEASE DO NOT efile any further pleadings in the old case.**

Sealed cases are not viewable by the Public through the Case Search Page. Only E filing users who are associated with the case can log in to CM/ECF and run a Docket Report and efile for that case. To enter a Notice of Appearance for a sealed case, e-mail the Notice of Appearance in PDF format to efiling@uscourts.cavc.gov.

Obtaining a Username and Password

E filing is available to attorneys who are members of the bar or attorneys who have submitted an appearance in a particular case under Rule 46(c). Use of the Court's electronic filing system is mandatory for all represented parties unless granted an exemption. Registrants must submit the E filing Registration Form to efiling@uscourts.cavc.gov to receive a login.

Members of the bar or attorneys who have already submitted a bar registration to the Court must also fill out the E filing Registration Form. Attorneys participating in The Veterans Consortium Pro Bono Program must e-mail the E filing Registration Form, Notice of Appearance, and Engagement Letter to efiling@uscourts.cavc.gov. Attorneys filing an application to proceed pro hac vice in a particular case (but not through The Veterans Consortium) must e-mail the Pro Hac Vice Application along with the E filing Registration Form to efiling@uscourts.cavc.gov.

Status of E filing

The CM/ECF program was updated to version 2.1.2 in December 2009. The update has allowed for compatibility with (certain) Mac computers. The update has also allowed for better compatibility with the Adobe Acrobat 9 software. The Court is in the process of reviewing and testing CM/ECF Appellate version 3.0.

EFiled by Mistake?

EFilers should look at the Docket Report BEFORE and AFTER efilng. After efilng a pleading,

- Check the Docket Report to see that the pleading was filed in the correct case
- Open the pleading to see that the correct file was docketed

Q: So what do I do if I efiled a pleading by mistake?

A: Just efile the correct pleading!

A courtesy call or e-mail to the Court (or other party) is appreciated, but not necessary. Court personnel will update the docket entry to "RECEIVED: ... (docketed in error)" or a similar text. The docket entry will not be deleted to keep a reference that something was submitted in that case. The document, however, might be removed if it contains information regarding another veteran.

Q: What if I receive a Notice of Docket Activity and it has been filed in the wrong case or the wrong document was attached?

A: If the Court issued an order in the wrong case, please contact the Court for an immediate correction. If the notice was for a pleading incorrectly efiled by an attorney, you may ignore that notice. Also, look at the Docket Report to see what is happening in the case.

Just note that Court personnel might not have had a chance to review that entry and update the docket text as "RECEIVED."

Helpful Hints

1. Look at the Docket Report **BEFORE and AFTER** efilng and make sure the correct pleading was efiled.
2. Make sure the system requirements are met. Many users needing assistance with efilng do not have Java installed in their machines.
3. Add "efiling.vetapp.gov" in the list of websites to allow pop-ups. Pop-ups are necessary to view the Notices of Docket Activities after efilng a pleading and running the Docket Report from the Startup Page.
4. The correct e-signature format is **"/s/ TypedName"**
5. Do not efile in a closed case. Call the Court or e-mail the pleading to the Efilng Desk at efiling@uscourts.cavc.gov or 202-418-3453.

Frequent Mistakes

1. System requirements not met. Many users needing assistance with efilng do not have Java installed in their machines.
2. Veteran's personal information not redacted. Aside from the Notice of Appeal, Petition, BVA Decision Transmittal, and Record of Proceedings, the veteran's SSN, C-file # and phone # should be redacted before efilng.
3. Attorneys not updating their contact information. Any changes to an address, phone #, fax #, and e-mail address should be sent **in writing** to the Court by e-mail, fax or mail. E-mail efiling@uscourts.cavc.gov or fax 202-501-5848.
4. Electronic signature incorrect.
5. Wrong event is used. Please contact the Efilng Desk at 202-418-3453 or efiling@uscourts.cavc.gov if you are unsure of which event to use to efilng a pleading.
6. Filing a Notice of Appearance and NOT clicking the "Add Attorney" button. Clicking that button adds the attorney to the case so he/she can efile subsequent pleadings. The attorney must also log out of CM/ECF and log back in to be able to efile subsequent pleadings.
7. Sending a pleading by e-mail, fax or postal mail for an opened case. Use of the Court's electronic filing system is mandatory for all represented parties unless granted an exemption.
8. Multiple pleadings merged in one PDF file or efiled together into one docket entry. All pleadings, with the exception of the Notice of Appearance and Fee Agreement, must be its own separate PDF file and docket entry. Exhibits should be included in the PDF file (Example: Notice of Appeal with exhibits should be in one PDF file). However a motion for leave and a motion for an extension should be in 2 separate PDF files **AND** efiled one after the other.
9. Log in to view locked documents. Locked documents prevent the public from viewing the veterans' personal information. Efilng users must log in to CM/ECF to view locked documents, even if they are attorneys in the case.
10. Most common reason for brief rejection is not citing to RBA citations in brief (See Rule 28(a)).