

In the United States Court of Federal Claims

OFFICE OF SPECIAL MASTERS

AMENDED GENERAL ORDER NO. 13

PROCEDURE FOR ELECTRONIC CASE FILING IN VACCINE ACT CASES

I. INTRODUCTION

The court has implemented an Electronic Case Filing (“ECF”) system for electronic case management and docketing. Although use of the ECF system in Vaccine Act cases is not mandatory at this time, the Office of Special Masters encourages counsel to designate all newly filed Vaccine Act petitions as electronic cases in the ECF system, and to convert all pending “paper cases” to the ECF format.¹

The general procedures for use of the ECF system are set forth in Appendix E to the RCFC. A User Manual for Attorneys is also available on the court’s website at <http://www.uscfc.uscourts.gov/training>. This General Order substantially modifies several of the provisions set forth in Appendix E for use of the ECF system in Vaccine Act cases. For provisions not discussed in this General Order, the procedures set forth in Appendix E apply.

II. FILING NEW PETITIONS AND CONVERTING PENDING CASES

1. Filing a New Petition Using the ECF System.

- (a) To file a new petition using the ECF system, a petitioner must file (and serve) a “petition”(i.e., a “short and plain statement of the grounds for an award of compensation”) in paper form. The petition must clearly state that the case should be designated an ECF case and that the attorney filing the petition has a valid ECF account with this court. No medical records or additional documents need to be filed at this time.
- (b) Upon receiving the petition, the clerk’s office will promptly notify the petitioner of the docket number that has been assigned to the case. The petitioner must then electronically file the records and affidavits pertaining to the petition as promptly as possible, as set forth in Vaccine Rule 2(c)(2) (but see numbered paragraph 7 of this General Order below, discussing the alternative method of filing voluminous medical records via CD-ROM).
- (c) All further filings in the case must be made electronically.

¹ To use the ECF system, an attorney must first establish an ECF account with the clerk’s office. (For information about establishing an ECF account, see <http://www.uscfc.uscourts.gov/node/1622>.)

2. **Converting a Pending Non-ECF Case to the ECF Format.** In a pending non-ECF case, petitioner may seek leave of the special master to convert the case to the ECF format. The special master will ordinarily grant such leave, in which case all further filings in the case must be made electronically.

III. PROCEDURES IN VACCINE ACT CASES THAT DIFFER FROM APPENDIX E

3. **Privacy Provisions.** The provisions set forth in Part VIII (“Privacy”) of Appendix E do not apply in Vaccine Act cases. (The privacy requirements set forth in the Vaccine Act, 42 U.S.C. § 300aa-12(d)(4)(A), render those provisions unnecessary.) Instead, the following privacy provisions apply:
 - (a) **Access to Electronic Files.** Documents electronically filed in a Vaccine Act case will not be accessible by ordinary users of the ECF system. Instead, only court personnel and counsel of record in the case will have access to the electronically filed documents in a Vaccine Act case. (The docket sheet in the case, however, is publicly available.)
 - (b) **Personal Identifiers in Documents.** Because all documents filed in a Vaccine Act case are already protected from public view, a party need not and should not follow the procedures set forth at paragraph 26 of Appendix E requiring the redaction of personal identifiers from a document. Accordingly, all documents, including medical records, should be filed in their original form.
4. **Filing Exhibits and Attachments.** Contrary to the procedure set forth at paragraph 8(c)(ii) of Appendix E, a party in a Vaccine Act case should not file “excerpts” from documents but rather should file the documents in their entirety. If appropriate, a party may later file a memorandum or brief, generally in advance of the evidentiary hearing, to direct the special master’s attention to the most relevant portions of each document.
5. **Dividing Medical Records into Multiple Documents.** Paragraph 9(a) of Appendix E provides that a single filing may be divided into multiple Adobe Portable Document Format (“PDF”) files. In Vaccine Act cases, when dividing medical records into multiple PDF files, parties should separate and label the PDF files according to their source or subject matter in the following manner. Each PDF file should be consecutively numbered or lettered as an exhibit and include a brief written description of the records it contains. For example, the first PDF file might contain prenatal records and be labeled “Petitioner’s Exhibit 1—Prenatal Records, Dr. Smith”; the second PDF file might contain birth records and be labeled “Petitioner’s Exhibit 2—Birth Records, Smalltown Hospital”; and the third and fourth PDF files might contain pediatric records of different physicians and be labeled “Petitioner’s Exhibit 3—Pediatric Records, Dr. John” and “Petitioner’s Exhibit 4—Pediatric Records, Dr. Jack.”
6. **Paper Copies.** Contrary to the procedure set forth at paragraph 10 of Appendix E, unless otherwise ordered, a party is not required to provide a courtesy copy in paper form of a

document exceeding 50 pages when printed.

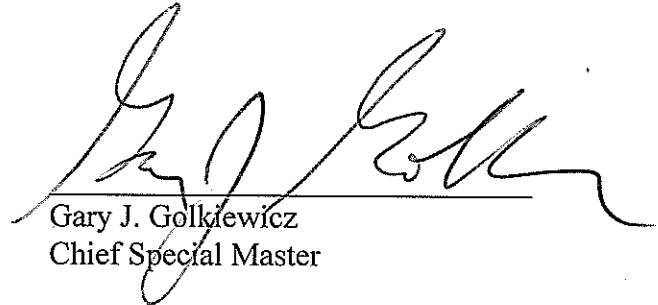
7. **CD-ROM Filings.** Because of the voluminous medical records typical in Vaccine Act cases, an exception to the standard ECF filing requirements has been made—a party need not seek leave of the special master to file excessively large files via CD-ROM. The Office of Special Masters, however, urges that all parties file documents electronically whenever possible, using CD-ROMs only in those cases involving extremely large files as set forth below.
- (a) **Size of Files.** At this time, the ECF system can accept PDF files of up to 4 megabytes, and at least 10 such files can be uploaded per filing. Therefore, a party should use CD-ROMs only for those filings containing over 40 megabytes of scanned material (i.e., approximately 600–800 pages at 300 dots per inch (“dpi”)).
 - (b) **Disc Format.** Unless a party obtains special permission from the special master, the only type of optical disc that may be filed is a disc in CD-ROM format. The party filing the disc should:
 - (A) “close” or finalize the disc so that additional material cannot be written onto it; and
 - (B) scan the disc using appropriate anti-virus software after its creation and closure.
 - (c) **Disc Packaging and Labeling.** The disc should be packaged in a paper, plastic, or waxed paper envelope, and both the disc and its package should be labeled with:
 - (A) the case caption;
 - (B) the date of filing; and
 - (C) the range of exhibits the disc contains (e.g., Exhibits 01–20).
 - (d) **Contents and Pagination of Files.** Each file should contain one exhibit and each exhibit should be paginated (hand-written pagination is sufficient). Pagination of each exhibit should be independent.
 - (e) **File Format.**
 - (A) Graphics and handwriting should be scanned using a resolution of not less than 300 dots per inch (“dpi”).
 - (B) All files should be saved in Adobe 5.0 PDF.
 - (C) Password protection may be used for modifying the files but may NOT be used for opening the files.
 - (f) **Organization and Designation of Files.** The name of each file on the disc should:
 - (A) begin with the letters “Ex” followed by the exhibit letter or two-digit number (e.g., 01, 02, . . . 09, 10, 11);
 - (B) include a brief description of the content of the exhibit and the six-digit docket number (e.g., 98-0000);
 - (C) represent spaces with an underscore; and
 - (D) contain “.pdf” as the file extension.The following is an example of the appropriate file format:

Ex03_University_Hospital_98-0000.pdf. In all other respects, the organization and designation of exhibits should be in accord with the Vaccine Rules and the *Guidelines for Practice Under the National Vaccine Injury Compensation Program*, which are available on the court's website at <http://www.uscfc.uscourts.gov>.

- (g) **Filing Documents via CD-ROM.** Filing documents on disc is accomplished by:
- (A) electronically filing a "Notice of Intent to File" containing:
 - (i) an index of the exhibits included on the disc;
 - (ii) a statement certifying that the contents of the disc have been scanned using anti-virus software with up-to-date, anti-virus definitions; and
 - (iii) a certificate stating when copies of the disc were mailed or delivered to the clerk's office;
 - (B) providing the clerk's office with two copies of the disc along with a printed copy of the "Notice of Intent to File"; and
 - (C) serving one copy of the disc on opposing counsel.

The disc is deemed filed on the date it is received in the clerk's office. If the disc is not received in the clerk's office within 5 days after the "Notice of Intent to File" is electronically docketed, the special master may enter an order striking the "Notice of Intent to File" from the docket.

Issued: January 2, 2008
Amended: October 16, 2008



Gary J. Golkiewicz
Chief Special Master