

# CAVC E-FILING NEWSLETTER



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## Getting Started Notice

The US Court of Appeals for Veterans Claims announces the availability of the newly created E-Filing Newsletter. The purpose of this newsletter is to provide specialized information to the legal audience that serves the appellant community for veterans. To help achieve this goal, the newsletter will offer suggestions, tips, and up-to-date information regarding the implementation, usage and availability of the appellate version of the CM/ECF Application. The CM/ECF is the acronym for "Case Management and Electronic Case Filing." The Clerk's office anticipates that the Pilot Program for EAJA Applications (Equal Access to Justice Act) to start no later than mid-November, 2007. Keep reading this newsletter for articles that will explain the implementation schedule and the responsibilities of the Court's attorneys in assisting with the success of the Pilot Program. *Inside Our First Issue* lists the articles designed to facilitate you in this process. Please note the e-

### INSIDE OUR FIRST ISSUE

Getting Started Notice	1
CM/ECF Web Page is Coming	1
EAJA Applications	2
Helpful Information for Future E-Filers	2
Additional Information	3-4
Helpful Hints	5
Future Articles	5
Helpful Links	6

mail address ([efiling@vetapp.gov](mailto:efiling@vetapp.gov)) that can be used to send questions regarding the newsletter and the Court's Implementation of CM/ECF.

**[William P. Greene, Jr.](#)**

**Chief Judge**

**Norman Y. Herring**

**Clerk of the Court/Executive Officer**

## CM/ECF Web Page to Be Full of Useful Information

With the anticipated implementation date of mid-November 2007, the Clerk's Office is in the process of creating a webpage on the Court's website that will include the necessary information that the Court's legal community will need to participate in the Pilot Program and the future implementation of the E-Filing System for all cases in the Summer of 2008. Items included on the webpage will be links to Training Modules, Frequently Asked Questions, E-Filing

Documentation, E-Filing Checklist for Attorneys, and User Registration link for the CAVC CM/ECF system.

<http://www.vetapp.gov/>

## EAJA Applications

As per Rule 39 of the US Court of Appeals for Veterans Claims Rules of Practice and Procedures, an application can be made for attorney fees and/or other expenses in a case if certain conditions and rules are met. The Clerk's office has designated EAJA applications and related docketing events as Phase I of the Pilot Program. The Pilot Program will include supplemental applications and all responses/replies. An Administrative Order regarding electronic case filing for EAJA cases is currently being reviewed by the Court's Board of Judges, and once all issues and concerns have been addressed that will allow



*The Court of Appeals for Veterans  
Claim Bar Association*  
<http://www.cavcbar.net>

it to be ordered by this Court, the Clerk's Office anticipates being able to publish the Administrative Order so that the implementation date and procedures can be finalized on the Court's web site. The Order will be available at the following link:

[http://www.vetapp.gov/miscellaneous\\_orders/MiscellaneousOrders2007.cfm](http://www.vetapp.gov/miscellaneous_orders/MiscellaneousOrders2007.cfm)

## Helpful Information for Future E-Filers

The following are frequently asked questions that other courts have experienced while implementing E-Filing. If you have any other questions, please e-mail the Court and we'll try to answer your questions in a timely manner.

Questions:

1. **How will I register to be a filer?**

A CM/ECF password and login will be required to file in CM/ECF. All CM/ECF registration will be handled by this Court. In order to register for an account, the training for E-Filing must be completed and then the

E-Filing form must be completed and e-mailed to the Court. The form will be used to verify items such as phone numbers and current e-mail address.

2. **Will CM/ECF be mandatory for the CAVC?**

Yes. Use of the CM/ECF system for filing will be mandatory for attorney filers.

*"In furtherance of its mission, the Court also seeks to help ensure that all veterans have equal access to the Court and to promote public trust and confidence in the Court."*

Please see *Additional Information* on page 3



*US Court of Appeals for Veterans Claims – Logo*

## Additional Information

3. **Must I register before I can file through CM/ECF?**

Yes. You cannot file through CM/ECF until you register and the court approves you as a filer.

4. **How long will it take to register for CM/ECF?**

The actual time for on-line registration is less than 20 minutes. The whole CM/ECF registration will usually be completed in a few hours. In exceptional situations it may take a day. When your registration is complete, you will receive an email from the Court confirming your registration. If you have an emergency and need to file immediately, contact the Clerk's Office Helpline for assistance and directions.

5. **What equipment and software will I need for filing in CM/ECF?**

You will need a PC or a Mac, a good internet connection, a browser (Internet Explorer 6 or higher), *Adobe Writer* (not Adobe Reader), and *Java Version 6* or higher. Please note that your computer equipment must have Java installed. If you do not have Java on your computer (or if you aren't sure if you do) go to [www.java.com](http://www.java.com). You will note that there is a question/link next to the "Free Java Download" button which asks "Do I have Java?" If you are not sure whether you have it, this link will run a diagnostic check on your computer and let you know whether it is already loaded. If you need to download or update Java, simply click the "Free Java Download" button and follow the directions on the subsequent pages. The Java Version 6 download is free, and the program takes only a few minutes to load. The Adobe Writer Software will enable all documents created in a Word Processing software such as WordPerfect or Microsoft's Word to be converted to a Native PDF document for submission to the Court. Please consult with your IT Professional if you have any questions.

6. **Will there be any special training or bar membership requirements in order to register and file in CM/ECF?**

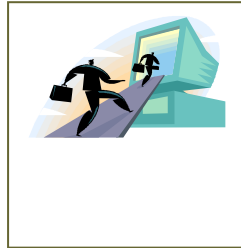
Yes. You must be a member of the CAVC's bar in order to register or file a document in a case. There will be a mandatory training module that must be completed before you will be allowed to file.

7. **Will there be any charge to register or use CM/ECF?**

No. There is no charge to register or to make a CM/ECF filing.

8. **When will the CM/CF system be available?**

The Court is currently targeting a November date for the Pilot Program and then a full implementation of the CM/ECF System in mid-Summer 2008.



*CM/ECF will allow you to file online from anywhere and also review Docket activity online from anywhere!*

The system will be available (except for routine or emergency maintenance), and you should be able to file anytime. Please note that routine maintenance will be established by this Court and that information will be posted once it has been finalized. It is anticipated that all filings completed before midnight Eastern Standard Time (with DST Considerations) to be entered on the docket that day. Please note that filings received on Saturday, Sunday or a federal holiday will be considered filed on the next business day. If you experience difficulties, please contact the clerk's office helpline during normal business hours.

9. **What help will be available for CM/ECF and its usage?**

The Court is in the process of developing a series of online electronic training modules for the appellate version of CM/ECF. The modules will include an introduction to CM/ECF, information on Docket reports, and specific instructions on how to file an appearance, a motion and a response/reply. The Training Modules will be available on the Court's web site once they are finalized. You can also contact the clerk's office for assistance with filing.

10. **Will there be a list of events and categories available?**

Yes. The list of events and categories once finalized will be available on the Court's website.

11. **Will I need to send the clerk a paper copy of a document filed through CM/ECF?**

E-Filing is intended to eliminate paper filings.

12. **What is a Notice of Docket Activity?**

A Notice of Docket Activity will be an email notice that will be generated when a docket transaction is docketed that requires that notice be sent to attorneys, case participants or court personnel. Notices of Docket Activity will 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 actions in a case. If you are a CM/ECF participant, your receipt of the Notice

## Additional Information

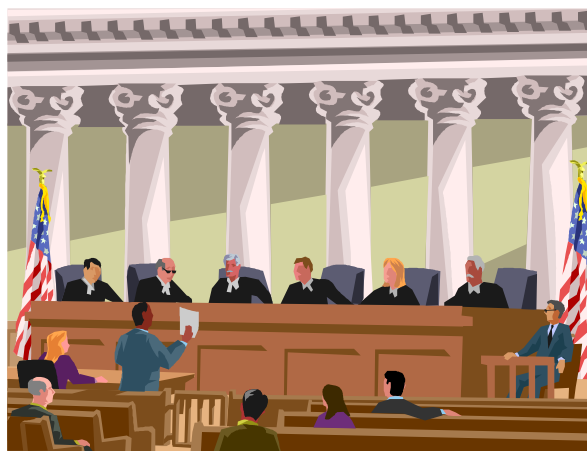
“The Court was created under Article I of the Constitution by the Veterans' Judicial Review Act (Pub.L. No. 100-687) on November 18, 1988. Originally named the United States Court of Veterans Appeals, its name was changed effective March 1, 1999, by the Veterans' Programs Enhancement Act of 1998 (Pub.L. No. 105-368). The seven active judges on the Court are appointed by the President, and confirmed by the Senate to serve either thirteen or fifteen year appointments. The law that created the Court is in chapter 72 of title 38, United States Code.

The Court reviews certain BVA decisions. The Court is not part of the VA. It does not hold trials, receive new evidence, or hear witnesses. It reviews your BVA decision, the written record, and the briefs of the parties. You do not need to come to Washington, D.C. for your appeal.

of Docket Activity will be considered service of that document or order, and registration for the CM/ECF system constitutes consent to receive service through the Notice of Docket Activity. Generally, a Notice of Docket Activity contains a hyperlink back to court's docket sheet and the document in question. When parties receive a Notice of Docket Activity they can click on the document and view the activity and any documents related to that activity.

13. **Is "/s/" acceptable for electronic filings?**

Yes. Please list the names of all signatories by means of an "/s/" typed name for each signatory. You must also maintain a signed copy of the filed document until the appellate process is completed in the case.



## Helpful Hints

- ✚ Documents submitted must be in PDF Format.
- ✚ All personal information must be redacted from all documents (no Social Security numbers or personal account information.)
- ✚ Documents submitted must contain the “/s/” with



*\*\* Request that your IT dept make an exception in the E-Mail Spam Filters for the Court's e-mail domain. All EAJA electronic filing notices will come from the @ao.uscourts.gov and @vetapp.gov domains! \*\**

## Future Articles

In the course of adapting this newsletter to better suit the needs of our electronic filers, future newsletters will contain detailed articles regarding issues that are experienced as we move forward with our Pilot Program and the implementation of CAVC's E-Filing Application. **Coming Soon:**

**How to use Electronic signatures for multiple signers?**

**How to pay electronically via Pay.gov?**

**How to chose the correct event when filing via CM/ECF?**

**How to contact the E-Filing Helpdesk?**

**How to access the Docket Activity Report once the e-mail has been deleted?**

**What are the technical issues other electronic filers have been experiencing?**

**How to file and/or seal cases?**

**What to do when a document has been file incorrectly and/or entered in error?**

*“Don't forget that EAJA Applications will be the first case type tested by the US COURT of Appeals for Veterans Claims for its Pilot Program.”*

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## **Helpful Links:**

[American Legion](#)

[Board of Veterans' Appeals Decisions Search](#)

[Code of Federal Regulations – GPO Access](#)

[Court of Appeals for Veterans Claims Bar Association](#)

[Disabled American Veterans](#)

[National Veterans Legal Services Program](#)

[National Organization of Veterans' Advocates, Inc.](#)

[Paralyzed Veterans of America](#)

[Supreme Court of the United States](#)

[United States Code – Office of the Law Revision Counsel](#)

[United States Court of Appeals for the Federal Circuit](#)

[United States Department of Veterans Affairs](#)

[United States House Committee on Veterans' Affairs](#)

[United States Senate Committee on Veterans' Affairs](#)

[Veterans Consortium Pro Bono Program](#)

[Vietnam Veterans of America's Veterans Benefits Program](#)

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