

Filing PSRs and Related Documents in CM/ECF

On October 15, 2014, the Probation Office started filing Presentence Reports (PSRs) and related documents in CM/ECF using the following events:

- Draft Presentence Report
- Final Presentence Report
- Addendum to Final Presentence Report
- Draft Supplemental Presentence Report
- Final Supplemental Presentence Report
- Addendum to Final Supplemental Presentence Report
- Resentencing Report

Although all of the attorneys in a multi-defendant case will receive electronic notice when documents are filed using any of these events, access to these documents is restricted to the attorneys for the defendant who is the subject of the PSR and government counsel.

On October 15, 2014, attorneys also started filing PSR related documents in unsealed cases in CM/ECF using the following events:

- Notice of No Objections to Presentence Report (no document is attached)
- Sealed Letter(s) of Support
- Sealed Objections to Presentence Report
- Sealed Sentencing Memorandum (if it contains confidential info in the PSR)
- Sealed Victim Impact Statement(s)

Documents filed by attorneys using any of these events are sealed. Attorneys cannot access sealed documents filed in CM/ECF. (Only court personnel in the Clerks Office, the Probation Office, and the chambers offices can access sealed documents filed in CM/ECF.) **A sealed document filed by an attorney using any of these events MUST be manually served on the appropriate parties by the attorney filing the document.** Previously, attorneys and the Probation Office could file sealed allocution statements. ALL allocution statements must now be delivered to the Clerk's Office for filing.

Filing PSR Related Documents in CM/ECF

The Probation Office will file a Draft PSR in CM/ECF. The Draft PSR is restricted. If an attorney has objections to the Draft PSR, the attorney should file his or her objections in pleading format in CM/ECF using the Sealed Objections to Presentence Report event. The objections will be sealed. **This is the first time attorneys have been allowed to file sealed documents in CM/ECF.** Permission is not required for attorneys to file sealed documents using any of the PSR related document events. Attorneys must, however, still seek permission to file other types of sealed documents in CM/ECF.

If an attorney has no objections to the Draft PSR, the attorney should indicate such by using the Notice of No Objections to Presentence Report event. This event is similar to the Notice of Filing Error event and does not require preparation of a document. It simply puts a notation on the docket sheet that the party has no objections to the PSR.

After the Probation Office files a Final PSR and addendum in CM/ECF, attorneys should collect all letters of support or victim impact statements they receive and legibly scan them as one document and file them in CM/ECF using the appropriate sealed event. Attorneys should NOT scan these documents as separate documents or submit hard copies of them to the court or the Probation Office since court personnel will be able to access them in CM/ECF. To make sure these types of documents are legible for filing, it may be necessary to darken them on a copier prior to scanning.

Other PSR related documents should be filed in CM/ECF as needed using the correct PSR related event. **It is very important that PSR related documents be filed using the correct sealed event so that only the appropriate parties have access to them.**

Accessing PSRs Filed in CM/ECF

Access to some documents filed in CM/ECF is restricted to applicable parties. This means that only attorneys for a particular party or parties will be able to access them. Presentence Reports (PSRs) and addenda to PSRs filed by the Probation Office are examples of restricted documents. All of the attorneys in a multi-defendant criminal case will receive an e-mail Notice of Electronic Filing (NEF) whenever a PSR or an addendum to a PSR is filed in a case. However, only the attorneys for the defendant who is the subject of the PSR and government counsel will be able to access these restricted documents filed in CM/ECF. Pro hac vice attorneys never have the ability to access restricted documents filed in CM/ECF.

To access a restricted document from a document number hyperlink in an e-mail NEF, the applicable party's attorney must FIRST be logged into CM/ECF using their ECF login and password for electronically filing documents (NOT their PACER login and password for looking at documents). The attorney can then click on the document number hyperlink in the NEF to access the restricted document. If the attorney is not logged into CM/ECF prior to clicking on the document number hyperlink, he or she will be shown a message that says "*You do not have permission to view this document.*" An attorney will not be charged PACER access fees the first time he or she accesses a restricted document. However, anyone who subsequently accesses the restricted document using the same attorney's ECF login and password will be required to pay the applicable PACER access fees (currently 10 cents per page).