

# TIPS AND TRICKS NEWSLETTER

# U. S. DISTRICT COURT SOUTHERN DISTRICT OF IOWA

September 2011

#### In The Mix- CM/ECF Training Opportunity

On October 20, 2011 (9 a.m.-11 a.m.) we will host training that will cover common filing errors. You can attend in person at the Clerk's Office (space is limited to the first 15 participants), or by webex. If you plan to attend, please email Susan Kern at <a href="Susan Kern@iasd.uscourts.gov">Susan Kern@iasd.uscourts.gov</a>. Please specify if you will be attending in person or online. Feel free to include additional topics or questions you might like covered during the session.

# Upgrade to CM/ECF version 4.2: Digital Audio Files -

Effective Monday, May 23, 2011, SDIA began operating live on CM/ECF Version 4.2. V 4.2 is a small release which includes the introduction of digital audio files, which can be useful but are not considered an official transcript. Transcripts will still be necessary for appeal purposes. Digital audio files can be accessed through PACER at a cost of \$2.40. Not all court proceedings will have digital audio files available. Please check with the Clerk's Office to see if a digital audio file can be made available for a particular proceeding.

Also included in V4.2 are electronic public access fee schedule revision, new PACER cookie authentication and a couple of other PACER fixes, including public access changes. Our current fee schedule can be found at <a href="https://www.iasd.uscourts.gov">www.iasd.uscourts.gov</a> under Clerk's Office.

# Courts are moving to new PDF/A Document Format



Portable Document Formatting for Archiving (PDF/A) is an International Standards Organization (ISO) standard document format. It is a subset of the PDF standard which excludes those PDF features that give rise to concerns about security and the ability to archive documents.

Since it was first adopted, the PDF standard has evolved to include new features, some of which have raised concerns about the security and long-term archival storage of the documents. The newer PDF/A standard addresses those concerns. Standard word

processing software is now capable of producing PDF/A documents, so it is both possible and desirable for the Judiciary to move towards the PDF/A standard.

PDF/A documents are accepted by current versions of CM/ECF. Upcoming releases of CM/ECF will allow courts to require documents to be in PDF/A format.

For additional information on the Court's new PDF/A Format adopted by the Judicial Conference, please visit our website: www.iasd.uscourts.gov under electronic filing, CM/ECF.

#### **Pro Hac Vice**

In civil or miscellaneous cases, the Motion for Admission Pro Hac Vice should be filed electronically to the pending case by local counsel. The fee will be paid on-line through pay.gov. The CM/ECF electronic registration form must be attached to the motion unless counsel has previously submitted one to the Clerk for processing. For additional information, please refer to attorney section at <a href="https://www.iasd.uscourts.gov">www.iasd.uscourts.gov</a>

# Filing Fees Paid via pay.gov-

Historically, the CM/ECF Case Management/ Electronic Case Filing System was implemented in SD lowa effective October 2004. Beginning April 2005, participation in CM/ECF became mandatory. (See LR5.2.b) Effective December 2005, the pay.gov portion of the CM/ECF system was implemented. When e-filing an event requiring a fee payment (civil complaint, notice of removal, notice of appeal, motion for pro hac vice admission, etc.), the system will automatically take you to pay.gov where you will submit your payment by credit card on-line. When your payment has been made, you are returned to CM/ECF to complete your entry. For sample screen shots of tutorials, refer to the electronic filing section at <a href="www.iasd.uscourts.gov">www.iasd.uscourts.gov</a>. Anyone needing assistance can call the CM/ECF Help Desk (515-284-6388). Please remember to notify your bookkeeping department each time you authorize a filing fee charge so they can reconcile the credit card bill.

#### Maintain User Account-

From your UTILITIES menu, you can select "Maintain User Account" to change your address, phone and fax numbers. If you click on "Email information" at the bottom of the screen, you can change your primary e-mail address and add or subtract additional addresses. Remember to check the box to "Send notices" in each case in which you are involved. You will then receive e-notice of filings. You may also elect to check the "Send notices in these additional cases" box, if you have a particular interest in a case in which you are not involved. After making your changes, be sure to "Return to Account screen" and hit "Submit", then "Submit" again, in order to complete the process and save the changes. (NOTE: for firm address changes: file a notice of change of address in all pending cases.)

#### Continuing Legal Education-



Reminders will be mailed out in October. After you receive your notice, refer to the attorney section at <a href="www.iasd.uscourts.gov">www.iasd.uscourts.gov</a> to obtain the forms. If you do not have a CM/ECF login and password, you will first need to complete the CM/ECF Attorney Registration Form (also located under this section) and email it to <a href="mailto:iasd\_casemanagers@iasd.uscourts.gov">iasd\_casemanagers@iasd.uscourts.gov</a>. We will email your login and password to you once your information is in the system. The Attorney Biennial Report of Continuing Legal Education filing is now done electronically via CM/ECF. The CLE form is a fillable .pdf,

which allows you to type in your information, save the report to your desktop, and then file it and pay your \$50 fee via pay.gov. The filing deadline for those due in 2011 is March 1, 2012. If you have any questions about this process, please call us at 515-284-6270.

#### Case Opening Error -

If you are opening a new case and encounter an error you cannot correct yourself, please call the HELP DESK at 515-284-6388 or call the main line 515-284-6248 and ask to speak with the CM/ECF supervisor. Please do not start over. As soon as a party is added a case number is assigned in the CM/ECF system, and if you start again, the next number is assigned. You could end up with two cases and be charged twice for the filing fee.

When opening a new case, do not select "Create Case" until after you have added all parties and their respective counsel. Please do not use ALL CAPS. Please do not add yourself into the system again as attorney for your client. Search for your name, and select it from the existing list (use no punctuation except hyphenated surname).

### **Document Images -**

Please check the image of your document after scanning and before filing. Your image may be crooked on the page, too light or dark to be readable, or have pages that are up-side-down or sideways. A good practice is to open and review your document just before you attach it. Please double check to make sure you are attaching the correct document.

#### Civil Summons -



**New Case**: When filing a new civil case, please file the civil summons as an attachment to your complaint. The Clerk's Office will affix the electronic seal and email it back to the attorney of record. To obtain a blank electronic summons, email your request to the Clerk's Office at IASD CaseManagers@iasd.uscourts.gov.

**Returned Executed:** After your Summons and Complaint have been served, you need to e-file the Summons Returned Executed. This filing should have the Summons as the

face of the document with second and subsequent pages being "return" information re who was served, what was served (Summons & Complaint), date served, and manner of service, etc.

#### Hearing or Oral Arguments Requested -

When you docket a motion and you would like a hearing or oral arguments, add your request to the text of your motion entry and to the caption of your document. (See LR7.c)

#### Appeals: Motion to Withdraw -

Attorneys filing motions or notices to withdraw as counsel on appeal cases need to remember that the U.S. District Court cannot rule on the counsel's motion to withdraw, once a notice of appeal has been filed. A written motion to withdraw must be filed with the 8<sup>th</sup> Circuit Court of Appeals after the Notice of Appeal and Supplement has been filed in the District Court. This would include any oral motions sometimes made in court.

#### Sealed Documents & Certificates of Service in Criminal Cases -

In criminal cases, some sealed documents are electronically served on counsel, but others are not. Those that are not, need to be served "by other means" (meaning by mail, hand, or fax). Since the list of sealed documents that produce an NEF is short, and the list of those that do not is long, it may be a wise practice to serve "by other means" all sealed documents in criminal cases.

Make sure that your certificate of service is accurate on the sealed documents. Your certificate of service should not say that the sealed document was electronically filed and the ECF system will send notification of such filing, but rather it should say by which other means service was accomplished (mail, fax, or in person).

#### Mailings -

From the Utilities menu under Miscellaneous, the option of MAILINGS will tell you which case participants are going to receive notification electronically, and which will need to be served "by other means". This can be checked prior to filing in order to accurately reflect which parties were served electronically, and which were served "by other means" in your certificate of service.

## Scheduling of Guilty Pleas -

To schedule a change of plea hearing, please call the Asst. U.S. Attorney in the case and get two or three available dates and times before contacting the presiding Judge's Office. Change of plea hearings are to be scheduled directly with chambers.



1.

# Top E-filing Errors/Tips:

Initial disclosures, expert disclosures, and discovery are not to be filed in the Southern District of Iowa: for instance, *notice of F.R.C.P. 26(A)(1) disclosures* unless ordered by the court to file them. They may, however, be attached to any motion to which they pertain (i.e., motion to compel).

- 2. Motion for overlength brief vs. requirement that brief be attached to motions: overlength brief rule trumps the attachment rule. Attach the overlength brief to the motion for overlength brief, but DO NOT attach the motion for overlength brief to the motion to which the brief pertains. (See LR7.d and h)
- 3. When attaching documents to any filing, you may leave the category box blank, however, please give a document description.
- 4. The maximum document size has been increased to 13 MB. There is no longer a page limit for e-filing. Any document over 13 MB must be split into sections, each section having a maximum size of 13 MB. Please remember the judges are to get a bound working copy of any pleading over 100 pages. (See LR10.c.3)
- 5. No civil filing may be filed under seal without prior court approval. (See LR5.c) When filing your motion, please do not attach the pleading that you want sealed.
- 6. When filing motion for expedited relief, please remember to contact chambers. (See LR7.j)
- 7. Signatures are still required on all documents: either in digital format or /s/ format. (See LR5.2.h)
- 8. Documents which are provided to the court in other formats (with prior Court approval): please efile a cover sheet or description, indicating the hard documents have been separately filed with the Clerk in what specific format, and that they are not part of the electronic court record. (See LR5.2.g.10)
- 9. When requesting summons(es) or subpoena(s) in Criminal Cases, please file your motion then e-mail your summons(es) or subpoena(s) to the case managers' e-mail mailbox at <a href="mailto:IASD\_CaseManagers@iasd.uscourt.gov">IASD\_CaseManagers@iasd.uscourt.gov</a>. Upon receipt of the court order granting your motion, we will apply our new electronic court seal then e-mail the signed and sealed documents back to you. Writs are still being processed in paper form.
- 10. BE AWARE OF THE DOCUMENT REDACTION REQUIREMENTS review documents and redact them as listed below. You may also request leave to file under seal or obtain a protective order. (See LR10.h)

The most common redactions are:

Social Security number to the last four digits Financial account numbers to the last four digits Dates of birth to the year Names of minor children to the initials, and Home addresses to the city and state.

- 11. Select the right event when filing for example, motion to extend time to file answer has a different internal consequence than a motion to extend deadlines or to extend time to file a response.
- 12. Select the correct filer if filing a joint pleading, choose only the party you represent, not all parties. There is a pre-fix drop-down selection for "joint" on the docket text screen. If you select all parties, you will be linked to them all as their counsel.
- 13. Select the right case the system remembers the last case in which you filed. Check the case number.
- 14. Criminal case filers, if your client was assigned a Magistrate case number, once your client has been indicted, please make all subsequent filings in the criminal case (CR), not in the magistrate case (MJ).
- In multi-defendant criminal cases, it's very important to select the sub-case for your client only when you file. For instructions on how to do so, please visit our website <a href="https://www.iasd.uscourt.gov">www.iasd.uscourt.gov</a>, under Electronic Filing, Training and Tutorials and select Multi-Defendant Criminal Cases How to Select Your Defendant.
- 16. Please do not re-file a motion or any other pleading unless directed to do so by the Clerk's Office. If you have made an error, you may use the event "Errata" listed in Other Filings other documents to file your corrected copy and link it to the filing in which you made the error.

# List of Related Links found under Training and Tutorials:

Login ECF Training Database
PACER Computer-based Training Modules
ECF Tips and Tricks (past editions)

How to Navigate pay.gov

Attorney Users Manual

Multi-Defendant Criminal Cases - How to Select Your Defendant

2009 CLE Filing Demonstration