

Information and Updates U.S. District Court Southern District of Iowa April 2014

Magistrate Judge Helen C. Adams -

On October 29, 2013, notice was given that Helen C. Adams was to be appointed as a new Magistrate Judge for the Southern District of Iowa upon the retirement of Magistrate Judge Thomas J. Shields. Magistrate Judge Adams will primarily preside in the Davenport courthouse, with additional duties in the Des Moines and Council Bluffs divisional offices.

Dismissals -

The event "Notice of Dismissal" should be used when filing a dismissal in cases that have reached a settlement agreement or are being voluntarily dismissed. If a case has settled, all parties are required to sign (/s/ constitutes a signature) before the Notice of Dismissal is filed. Please do not file these two types of dismissals as motions.

LR 7.1 Corporate Disclosure -

Effective March 10, 2014, when appropriate, Clerk's Office staff will email plaintiff a LR 7.1 packet. The packet includes a cover letter, fillable Corporate Disclosure pleading, and a copy of LR 7.1. A Corporate Disclosure deadline will now be set in CM/ECF.

Certificate of Service -

The certificate of service should be included as part of the pleading being filed. The Southern District of Iowa does not require the certificate of service to be filed as a separate pleading.

Upgrade to CM/ECF Version 6.1 -

Effective Thursday, October 30, 2013, the Southern District of Iowa began operating live on CM/ECF version 6.1. This release includes docketing modifications, attorney designations, query updates, links to other court PACER sites, Mobile Query and PACER modifications. Please see a description of all modifications on the court's website under "Recent News," "Upgrade to CM/ECF 6.1 December 14 - Significant Changes." (www.iasd.uscourts.gov)

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 the Attorneys section of our website (www.iasd.uscourts.gov).

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 legible, 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.

Scheduling of Guilty Pleas -

DES MOINES: To schedule a change of plea hearing, please call the Asst. U.S. Attorney in the case and get 2 or 3 available dates and times before contacting the Magistrate Judge's Chambers. Change of plea hearings are to be scheduled directly with chambers.

DAVENPORT: Change of plea proceedings will be scheduled at the final pretrial conferences held before the magistrate in Judge Gritzner's and Judge Jarvey's cases. Attorneys wanting to schedule a change of plea proceeding in Judge Rose's cases should call the Magistrate's Chambers after agreeing upon potential dates.



Courts are moving to 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 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.

Filing Fees Paid Via Pay.gov -

Historically, the CM/ECF Case Management/ Electronic Case Filing System was implemented in the Southern District of Iowa 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 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 www.iasd.uscourts.gov. 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.

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. 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).

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.)

Hearing or Oral Argument Requested -

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

Civil Summons -



New Case: When a new civil case is filed, the civil summons will be emailed to the attorney of record. For your convenience, you may keep a copy of the blank electronic summons for future use.

Summons 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 on who was served,

which documents were served (Summons & Complaint- do not attach the complaint), date served, manner of service, etc.

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 8th Circuit Court of Appeals after the Notice of Appeal and Supplement have 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 need to be served "by other means" (by mail, hand, or fax). It is recommended that all sealed documents in criminal cases are served by counsel "by other means."

Make sure your certificate of service is accurate on the sealed documents. Your certificate of service should not say that the sealed document was electronically served via the ECF system. It should state the means service was accomplished (by mail, fax, or in person).

Mailings -

Help-Ful Tips

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.

Top E-filing Errors/Tips:

- Initial disclosures, expert disclosures, and discovery are not to be filed in the Southern District of Iowa. For example, notice of F.R.C.P. 26(A)(1) disclosures are not filed 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. On a motion for over-length brief vs. the requirement that the brief be attached to the motion, the over-length brief rule trumps the attachment rule. Attach the over-length brief to the *motion* for over-length brief, but DO NOT attach the motion for over-length 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 add a document description.
- 4. The maximum document size has been increased to 15 MB. There is no longer a page limit for e-filing. Any document over 15 MB must be split into sections, each section having a maximum size of 15 MB. Please remember to provide the judges with 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 for leave to file under seal, please do not attach the pleading that you want sealed.
- 6. When filing a motion for expedited relief, please notify chambers. (See LR7.)
- 7. Signatures are required on all documents either in digital format or /s/ format. (See LR5.2.h)
- 8. For documents provided to the court in other formats (with prior Court approval), please e-file a cover sheet or description as "Notice Other," indicating that 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 and then e-mail your summons(es) or subpoena(s) to the case managers' e-mail box at iasd_casemanagers@iasd.uscourt.gov. Upon filing of the court order granting your motion, we will apply our electronic court seal to the document(s) and e-mail them 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 correct event when filing. For example, the 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. Do not file a response and a motion in the same document. If the response is filed as a motion, it does not satisfy your response deadline. If a motion is filed as a response, your motion does not appear on the Judge's pending motion list.
- 12. Make sure you link your reply or response back to the original motion. If you do not, your reply/response does not appear with that motion on the Judge's pending motion list.
- 13. 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.
- 14. Select the correct case. The system remembers the last case in which you filed. Double check your case number before filing.
- 15. For criminal case filers, if your client was initially assigned a Magistrate case number, once your client has been indicted, please e-file all subsequent pleadings in the criminal case (CR), not in the magistrate case (MJ).
- 16. In multi-defendant criminal cases, it is very important to select the sub-case for your client <u>only</u> when you file. For instructions on how to do this, please visit our website <u>www.iasd.uscourt.gov</u>, under Electronic Filing, Training and Tutorials, and select Multi-Defendant Criminal Cases How to Select Your Defendant.
- 17. Please do not re-file a motion or any other pleading unless directed to do so by the Clerk's Office. If you make an error, you may use the event "Errata" under Other Filings/Other Documents to file your corrected copy, and link it to the filing in which you made the error.