

CM/ECF CURRICULUM

WELCOME, INTRODUCTIONS AND OVERVIEW

- Benefits of CM/ECF
 - Ease of use
 - System is available 24/7
 - Documents may be filed 24/7, except that documents must be filed by 6PM on the date due
 - Explain Clerk's Office procedure regarding documents filed on paper (filed and notice regarding mandatory use of ECF issued. Next time, order to show cause will be prepared for consideration by the Court)
- Explain that the ECF User Guide, Case Opening Guide and Administrative Procedures are available on our web site and that users should check that site for updates.

LOGINS/SECURITY/RESPONSIBILITY

- Demonstrate Login process. Explain difference between ECF and PACER login (ECF is first 4 letters of attorney's last name followed by 4 random digits, PACER login is two letters, usually the first two letters of the firm name, followed by 4 random digits).

The ECF login belongs to the attorney while the PACER account may belong to the firm. The ECF login stays with the attorney, should the attorney change firms.

- Security of the assigned login and password is the responsibility of the attorney
- The use of the login and password, combined with '/s/Attorney Name' on the document constitutes a signature to the court. Also mention the court's requirements regarding affidavits and other such documents (/s for the affiant's or other person's signature, and the requirement to retain the original signed document for 2 years after the time for appeal has run)
- Utilities - Maintaining User Accounts - Demonstrate how a user can maintain his/her own account. Explain that it will be responsibility of each attorney to maintain her/her own address (postal and e-mail). Point out the portion of the screen that allows a user to add additional e-mail accounts. Explain that any e-mail address is acceptable here - it may be a home address, a law clerk, an associate, a secretary, etc. Explain that these e-mail addresses will show on any receipt sent to the primary address.

Point out the options for how to receive e-mail notice:

‘Individual NEF’, or ‘Summary NEF’.

Explain that attorneys are responsible for keeping their email address current. If an email address changes, because of leaving a firm or any other reason, it must be updated to insure proper notification of filings, court proceedings, etc. Also, "out of office" messages should be turned off for CM/ECF notices. Our system is often clogged with returned e-mails and out of office responses.

Demonstrate how to add additional cases to the attorney’s account. Remind the attorneys that they will be charged to view these documents.

PROPER FORMAT OF ELECTRONIC FILES

- **CM/ECF will only accept files created in or converted to PDF.** It is recommended that when possible, files be converted to PDF, rather than scanned to a PDF file. Although Adobe is the most well known product, any will work.
- **Explain file size limitations. (8 MB) Explain that the Local Rules regarding the length of documents is still in effect. If a motion for leave to file is electronically filed, the attorney is required to submit the proposed document as an attachment to that motion. The ECF system will check the size of the file as it is downloaded to our system and will stop if the file is too large.**
- The name of the PDF file does not matter. Explain that the names of the PDF files used in class are clearly labeled only for the ease of the students and the trainer.

MENUS - CIVIL VS. CRIMINAL

- Explain the difference between the two sets of menus, and the reasons for that difference. (Criminal events incorporate the Speedy Trial Act)
- BRIEFLY explain each menu, pointing out some of the entries on each menu.
- Explain how to use the Search feature to find an event.

ELECTRONIC FILING LIMITATIONS AND REQUIREMENTS

- Explain that certain documents can not be electronically filed at this time:

ADR DOCUMENTS: all documents in the ADR process should be delivered to the ADR Provider directly as a hard copy, clearly identified as a document for the ADR Provider. ADR documents are not part of the official case file.

SEALED DOCUMENTS/CASES: At this time, the Court will not permit the electronic filing of sealed documents in sealed or public cases. These documents should be filed as always, clearly labeled as a sealed document, with the appropriate accompanying motion to seal. (see Local Rule 7.2)

EX PARTE MOTIONS, MOTIONS BY CJA ATTORNEYS FOR FUNDS, ETC.:

Explain that these motions should be filed as hard copies. These will be handled in the same fashion as sealed documents (except for the requirement to file a separate motion to seal for each document). Explain that these motions will be filed in the public file and available for viewing unless a motion to seal is filed and allowed.

ELECTRONIC FILING DEMONSTRATION

- **CIVIL**

Open a civil case (a complaint, but explain the difference for filing a notice of removal).

- Open a civil case, adding one plaintiff, and one defendant. Reinforce the importance to add all parties in the order listed on the complaint or notice of removal. Provide each student with a copy of the complaint and cover sheets.

Click on ‘Open a Civil Case’

Point out the message about ‘this is the live database...’. This is the warning to attorneys in the live system, because we had attorneys or support staff going into live to test out filing new cases, and inadvertently creating cases. The message should be ignored here, but it is a good chance to talk about messages that may be displayed during the process.

For a complaint:

Select the appropriate office, based on the division in which the case should be filed (Local Rule 40.1).

Explain that the attorney should fill in the Lead Case number only if this case is to be related (associated) with another case already pending in this district. If there is a related case, also check the box for related cases, and enter that number or numbers on the next screen.

Click Next.

Add the statistical information required on this screen. This information is found on the JS 44 (civil cover sheet). Keep in mind that the system will

check for combination of entries. For example, a Jurisdiction of 4 (Diversity) and a Nature of Suit of 790 (Labor) is an invalid combination. These combinations have been determined by our Administrative Office.

If the Jurisdiction is Diversity, the filer must select the citizenship of plaintiff and defendant.

The demand is a dollar amount only, and is entered in thousands. For example, \$505,000 is entered as 505.

Disregard the 'Date transfer' field.

Click 'Next'.

Add the parties, last name first, in the order in which they appear on the complaint. Be sure to change the party role for each party as appropriate. Do not add street or email address information for any party. Point out the alias button add one alias for one party, using the same naming standards as for the parties. Add party text for one party.

Civil cases do not need address information for parties.

Explain and demonstrate that parties may enter additional title information in the 'Party Text' field at the bottom of the screen. Examples: *as Executor of the Estate of*

Point out the 'Review' button.

Click on 'End Party Selection' when all parties have been added to the case.

Point out that the assigned case number is displayed on the screen.

Click on 'Docket Lead Event' for the complaint and then select complaint.

Discuss pay.gov as part of the filing of the complaint. **NOTE: law firms will not have access to pay.gov while in the training database. Screen shots of pay.gov are available on the court's CM/ECF training web page.**

When discussing pay.gov, have the students answer 'Y' - that they are exempt from the payment of the fees. Explain VERY CLEARLY that this is only true in the training database. Everyone is required (by local rule) to use pay.gov to remit case related fees in the live system.

Explain that summonses will be sent electronically by the Clerk's Office.

Explain the importance of reading the screens, and confirming the information contained in the entry before clicking on the final 'submit' button.

Explain the parts of the final transaction (docket text) screen: remind students to check for the proper event usage, the proper date, etc. - show that the attorney filer's name appears in parentheses at the end of the transaction.

Review the notice of electronic filing. Point out that the notice includes the same information as the final docket text screen.

Note hyperlinks on receipt to document and docket.

Explain that if the docket text (on entries made by the Court or Court staff) includes the words 'Electronic' or 'Endorsed' there will be no document attached to that entry, and the text is the only record of that transaction.

Examples: orders of the Court and clerk notes. Marginal endorsements and orders no longer exist. Electronic order is now used!

Note that the notice can be printed to paper or saved electronically by printing the document to a PDF file.

It is also available at all times through the docket sheet by contacting the Clerk's Office. Note the hyperlinks to document and docket.

Note the continuing responsibility of the filing party for service to parties not receiving electronic notice.

Optional (if time permits)

Demonstrate the filing of these documents:

- Returns of service filed by plaintiff, with service on defendant, setting answer due date based on user-supplied service date.

The waiver of service events works in much the same way as the return of service event, except that it asks for the date the waiver was sent and calculates the answer due date at 60 days.

- Answer

Docket an answer filed by multiple defendants (Sun Resorts, Monica

Atkins and Allen Coleman)

use the pdf file: [answer atkins et al.pdf](#) (or one you have prepared)

Explain that the system will automatically add the name and address attached to the ECF login as attorney of record for that defendant as long as the attorney filer clicks the box to create that relationship.

Adding other counsel from the firm to the docket

Each attorney will be required to log in to ECF and electronically file their own notice of appearance.

- Counterclaims, Crossclaims, Third party complaints, etc.

Electronically file a third party complaint by Sun Resorts, Atkins and Coleman against **Total Environment Management**. Explain that user will be shown a list of existing parties, with a link to 'Create new party'. If the party is not on the pick list, the user will click on create new party, and add the party. use the pdf file: [3dptycmp.pdf](#)

- Motions

Electronically file a motion to compel *and* for sanctions filed by the plaintiffs. Point out that if there are parties in the case in more than one role (3rd party plaintiff, cross defendant, etc.), the filer should select the party only once, preferably in their original role, for the filing of all future motions, memoranda, etc.

Demonstrate how to select more than one relief from the drop down menu.

Add at least one attachment (an affidavit) to the entry.

Explain the use of the 'Type' and 'Description' fields.

Explain that this method can be used to efile a document that may be too large to meet our file size limitations. For example, a 100 page exhibit (that is greater than 8MB) could be split into multiple documents: exhibit part 1, exhibit part 2, exhibit part 3.

The Court will still accept documents on paper that are too long or can not be converted to PDF. Refer students to Administrative Procedures guide and the ECF User's Guide for information on manual filing.

use the pdf file: [mot compel.pdf](#)

Explain that when possible, the Court wants each attachment as a separate PDF and attached to the entry labeled as what is exhibit (ex: [Exhibit 1 - Affidavit of Kimberly Hodges](#) and [Exhibit 2 - Exhibit of Roger Hodges](#)).

Explain response deadlines: the date displayed on the screen is the default date based on the Rules of Procedure. Any date set by the Court (shorter or longer) will supersede this date and will be changed on the docket by court staff.

File a motion to appear *pro hac vice*. Add the certificate of good standing as an attachment.

- Responses to motions

Electronically file an opposition, filed by the defendant Sun Resorts, to the motion to compel *and* for sanctions.

use this pdf file: [opp mot compel.pdf](#)

CRIMINAL (OPTIONAL)

Before beginning, ask if any of the students present will be defending or prosecuting any criminal cases. If the answer is no, you can skip this section. Explain to the students that criminal works in much the same way as civil, except that each event must be 'as to' at least one defendant. Explain that although all defendants in the case are assigned to the same docket number, each defendant is maintained on a separate docket within that case number.

- Criminal Motions

Electronically file a motion to dismiss, *or in the alternative* to change venue. Be sure students select both reliefs.

Demonstrate how the system will ask the user to select a defendant in multi-defendant cases, and to select who filed the document. Explain that the system will not ask the user to select a defendant in a one defendant case - but the user will be asked to select the filer.

Use the pdf file: [motion dismiss.pdf](#)

QUALITY ASSURANCE BY COURT STAFF

Court staff will monitor the entries made by counsel on a daily basis, for case management and quality assurance. If an error is found, court staff will contact the attorney, and make any necessary corrections. If an error is noticed by the attorney once the entry is made, the attorney should contact the Clerk's Office Help Desk.

HELP DESK

The Court provides a help desk to answer questions on the use of the CM/ECF software. Internet connections and software (word processing, pdf creation software, etc.) are the responsibility of the user. Information about the Help Desk is available on the court's web site. The toll-free telephone number is 866-239-6233 and the mail box address is: ECFhelp@mad.uscourts.gov. Questions regarding a specific case should be directed to the clerks assigned that Judicial Officer. General ECF questions should be addressed to the ECF Help Desk.

A document called 'Help Desk Resources' may be found on the Court's CM/ECF training page.

SUMMARY

Ask if there are any questions, and thank the audience for their attention.