



CM/ECF NEWSLETTER

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May 2005

Welcome to our first CM/ECF Newsletter!

IMPORTANT REMINDERS!

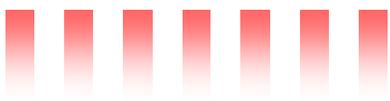
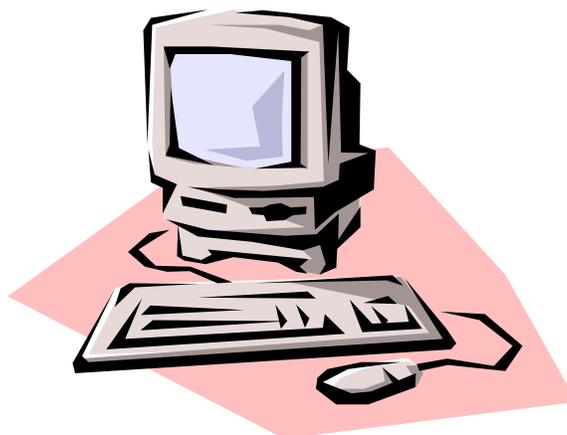
PACER FEES INCREASED

On January 1, 2005 the Judicial Conference of the United States approved an increase in PACER access fees from 7 cents per page to 8 cents per page (with a maximum fee per document of \$2.40).

However, unless you are doing research outside of your electronic notification from the system, you should not need to incur any charges related to e-filing. Registered attorneys and any secondary e-mail addresses that are listed on their accounts will be notified electronically when activity occurs in cases the attorney is associated with. Every e-mail address receiving the notice of electronic filing (NEF) will receive one free look at the document through the document number hyperlink contained in the NEF. That free look hyperlink is available for fifteen days. If the hyperlink is not accessed during that time, or if the free look has already taken place, the user will be prompted for a PACER login and password when attempting to use the document number hyperlink.

CIVIL FILING FEES INCREASED

While not directly related to e-filing, we wanted to make you aware that the filing fee for a civil action increased from \$150 to \$250 effective February 7, 2005.



RECENT UPGRADES TO CM/ECF

When it is the first time an attorney appears in a case by filing a document, the system will not yet know of the relationship between the attorney and the party. The screen that accomplishes creating the association was changed at the first of the year in an upgrade of the CM/ECF software, adding two additional boxes to the right side of the screen. We have found that those two new boxes have caused some confusion for our users, so we have recently changed the message that also appears on the screen to assist.

The screenshot shows the CM/ECF interface with a blue navigation bar containing 'Civil', 'Criminal', 'Query', 'Reports', 'Utilities', and 'Logout'. Below the bar, the page title is 'Answers to Complaints and Other Initiating Documents' for case '1:04-cv-01234-RHB Bunny v. Fudd'. A message states: 'An association between the filing attorney and the filing party(es) that were selected on the previous screen has not yet been established in this case. To establish the association, check the box(es) on the far left side of the screen for each party that is represented by the filing attorney.' Below this is an 'IMPORTANT!!!' section with three bullet points: 'If the attorney does not represent the party, do not check the box to establish an association.', 'The Notice box must remain checked so that the filing attorney will receive electronic notification of filings in this case.', and 'At your option, the Lead box may be selected to designate the filing attorney as the lead counsel for the party.' At the bottom, there are checkboxes for 'Elmer Fudd (pty.dft) represented by Test Attorney (aty)', 'Lead', and 'Notice' (which is checked). There are 'Next' and 'Clear' buttons. A red arrow points to the 'Elmer Fudd' checkbox.

Check the box on the left margin if you represent the party. Generally, you'll leave the other boxes to the right (Lead, Notice) as they appear. Click Next. This will create an association between the attorney and the party. As a result of this association, the attorney's name will display to the right of the party's name on the docket, and the attorney will receive notice of future activity in the case as long as that party/attorney is active in the case.

With a new upgrade installed April 17th, two new pieces of functionality became available to all users. The two new items are a Written Opinions Report and a new Header that appears on all documents.

Written Opinions

According to the E-Government Act of 2002, courts were to make written opinions available to the public in a text searchable format by April 16, 2005. The new upgrade in CM/ECF allows the public to view written opinions that were filed after that date free of charge. The filing judge determines whether their decision is flagged in the system as a written opinion. There are two methods from which decisions designated as written opinions can be accessed.

First, on the Reports menu (click Reports on the blue bar after logging in), a new item, "Written Opinions" appears. To run a written opinions report, click on the Written Opinions menu item. There is no charge for running the Written Opinions Report. The report contains criteria that can be set according to user needs.

To run the report, click the Run Report button (to clear selections made, click the Clear button). If no criteria are selected and the report is run accepting the defaults, the resulting report will contain all Western District of Michigan written opinions filed within the last month.

If an order adopts a magistrate judge's report and recommendation, the report and recommendation will be flagged and added to the written opinions report. Note that the filing date range entered by the user on the written report criteria will have to accommodate the filing date of the report and recommendation in order for it to be included in the resulting report.

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Second, any decision designated as a written opinion that is accessed through the docket or through a query will not have a fee associated with it. It should be noted, however, that users will still be charged the PACER fee associated with running the docket report and/or query, however they will not be charged an additional fee for viewing the written opinion.

When a user clicks on a decision that has been flagged as a written opinion, the user will see a prompt:

The document you requested is [#] pages. There is no charge for viewing opinions.

Click the View Document button to view the document.

Header

Changes were recently made to include a header that will appear on all pages of all documents. This new feature will appear for all users unless they choose to turn it off. The header is blue in color and contains the case number, the document number, the filed date, and the page number.

The header will save with the document if it is saved on your computer, and it will print if the document is printed. If you would prefer to omit the header, that can be accomplished for individual users. Log in to CM/ECF, click Utilities on the blue bar, click Maintain Your Account, and on the Maintain User Account screen, uncheck the box to the left of Add Headers to PDF Documents, located in the upper right portion of the screen. Click the Submit button at the bottom of the screen, and continue to click the Submit button on subsequent screens until you receive confirmation that the update was successful.

Case 1:04-cv-00069-RHB Document 85 Filed 04/28/2005 Page 1 of 4

UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

RICHARD T. ARNOLD,

Plaintiff,

v.

LUEDTKE ENGINEERING CO.,

Defendant.

File No. 1:04-CV-69

HON. ROBERT HOLMES BELL



◆ Pursuant to Local Rule 5.7(e)(i) ..."The identity of the registered attorney submitting the electronically filed document must be reflected at the end of the document by means of an "s/[attorney's name]" block showing the attorney's name, followed by the attorney's business address, telephone number, and e-mail address."

A sample format is:
s/John Attorney
John Attorney and Associates
111 Elm St.
City, State Zip
(616) 456-1234
john@johnattorney.com

- ◆ The registered attorney e-filing the document should be the same attorney that is reflected in the signature block. (W.D. Mich. LCivR 5.7(b)(ii) and LCrR 49.10(b)(ii))
- ◆ Include the date of signing on all filed documents. (W.D. Mich. LCivR 10.3 and LCrR 49.4)
- ◆ Only registered attorneys have authorization to sign documents electronically. (W.D. Mich. LCivR 5.7(e)(i) and LCrR 49.10(e)(i)). Documents that are typically signed by secretaries or other attorney support staff may have to be changed to reflect that they are signed by the attorney instead (e.g., proofs of service).
- ◆ When filing attachments to a document, it is important to enter descriptions for each attachment. Attachments can be described using a pre-defined Category/Type, a free-text Description, or a combination thereof. For example, if your filing has three attachments that you refer to as Exhibits A, B and C: as you upload each pdf file, select the Category/Type "Exhibit" from the drop-down list, and in the Description field, enter the corresponding letter (A, B or C), then add it to the list. Browse for the next attachment, then repeat.
- ◆ Most discovery materials, including deposition transcripts, are not to be filed with the Court, rather they are exchanged among the parties. (W.D. Mich. LCivR 5.3)

FREQUENTLY ASKED QUESTIONS



I was notified that the judge entered an order I had previously prepared and e-filed as proposed, and I can see it on the screen, but when I go to print it, the judge's signature and the signature date do not appear on the paper. How can I fix this?

ANSWER

To fix this you will want to change your Adobe settings to print with comments. When your print manager box is displayed, check the box next to "Comments." In Adobe Version 6.0, under "Print What?" -- select "Document and Comments."



I am having trouble viewing a document. When I click on the document number link, all I see is a blank white screen. How can I fix this?

ANSWER

Assuming there is nothing wrong with the actual document, changing some Adobe settings may help. (Note: If you have IT support staff accessible to you, please check with them before changing any settings on your computer.) Go to Edit, Preferences, [General], Options. Uncheck "Display PDF in Browser." Uncheck "Allow Fast Web View."



I am trying to log in to CM/ECF and I get a message that my login failed. What am I doing wrong?

ANSWER

Here are the most common reasons for not being able to login successfully:

- ◆ You are not using your CM/ECF login and password.

Instead, you might be using a user name and password from PACER or another court, such as the U.S. District Court for the Eastern District of Michigan or the U.S. Bankruptcy Court for the Western District of Michigan. Please be aware that each court may assign a unique login and password.

- ◆ The login and/or password is entered incorrectly. Both are case sensitive and generally are all lower case. Also, a lower case "l" is often mistakenly entered as a one; or a zero is mistakenly entered as a capital "O." The Western District of Michigan provides the opportunity for attorneys registered in other districts to be assigned the same login here. If that request is made, the Western District of Michigan will assign a login exactly as requested (which may include capital letters). In any case, enter your login and password exactly as it appears on the form.

- ◆ You may not be on the proper website. To log in to the court's CM/ECF system, go to www.miwd.uscourts.gov and click on the "Electronic Filing" link. Then click "Log into the ECF System."

YOUR COMMENTS AND FEEDBACK

THE U.S. ATTORNEY'S OFFICE EXPERIENCE WITH ELECTRONIC CASE FILING

The support staff at the U.S. Attorney's Office have been using electronic case filing ("ECF") since August 1, 2001, in civil matters and since November 1, 2003, in criminal matters. We find it a definite improvement over physical filing for several reasons. One is that fewer trips are required to the Clerk's office. The time thus saved can be used to accomplish other tasks.

Another time saving feature for the support staff is that we can avoid standing at a copy machine making individual copies for each party, because once pleadings are put into the proper electronic format, and any attachments filed with it are scanned into the same format, and linked to that pleading, then e-filing means service is automatically done to all counsel and not just the Court. This is because notice is sent to all the parties electronically, and they are able to download the filed document themselves. In addition to time, this also saves postage and special deliveries to judges in other cities such as Lansing or Kalamazoo are eliminated.

Another advantage of e-filing is that it can be done round the clock. The Clerk's office, incidentally, now closes at 4:30 p.m. rather than 5 p.m. The drop box in the federal building is available until the building closes at about 6 p.m., but electronic filing can be done after either deadline, which helps avoid the stress of the last minute rush to the courthouse.

A noticeable advantage from our point of view is that all pleadings in a multi-party case become readily available to all parties, and not to just the subset who are directly affected. For instance, if the government reaches a plea agreement with one defendant, that agreement is available to the co-defendants upon filing with the Clerk's office. With physical filing, service of plea agreements upon co-defendants was not required, and was rarely done. A second advantage is quicker access to pleadings, since an e-mail notification will be sent immediately upon filing of a pleading with a link that allows it to

be read with a click of the mouse. This e-mail notification is not always desired, so an attorney can choose to receive a digest of filings once each day, or to delegate that task to another member of her office.

"We find it a definite improvement over physical filing for several reasons. One is that fewer trips are required to the Clerk's office. The time thus saved can be used to accomplish other tasks."

Of course there is a learning curve for the support staff, and the attorneys who are bold enough to tackle the process. For instance, having experience with the menu choices makes selection a lot easier. Occasionally the menu choices do not seem to fit the document at hand, but we have found that when the Clerk's office has been contacted with a question, they have been very helpful in adapting the system to fit the needs of the user. Sometimes when we say there isn't an option in the menu list that seems to fit, they tell us to check again in half an hour and by then there will be something better. Also, the Clerk's office has been helpful in catching errors and making follow-up phone calls when documents are filed with incomplete information. Finally, the price system is quite reasonable, with one free copy to all persons receiving notices, and a charge of \$.08 per page on additional copies.

To summarize, our office favors electronic filing for everyone because like many services provided via the Internet, the more widely it is adapted, the better it works. Please consider joining this filing system if you have not already done so.

-Richard S. Murray, Asst. U.S. Attorney



We want to hear from you. Please send your comments and feedback to:
ecfhelp@miwd.uscourts.gov

Message Board:



The Court's Local Rules are located on our web-site at www.miwd.uscourts.gov. Click on Documents and Forms, then Local Rules of Practice and Procedure. It is important to check the Local Rules periodically for any recent amendments. The most current Local Rules include Amendments through January 1, 2005. Note that comments on amendments regarding Alternative Dispute Resolution are due May 1, 2005.



The Standard Civil Jury Instructions are now available under the "Electronic Filing" link. Click "Log into the ECF System." Once logged in to CM/ECF, click on the word "Utilities" or the blue bar, then click on "Standard Civil Jury Instructions."



Resources for creating PDF files:

www.adobe.com

www.PDFonline.com

Kinko's



We will periodically send e-mails/newsletters to you to keep you updated on what is happening with electronic filing. If this is the first time you have received an informational e-mail from the CM/ECF Help Desk, you may have missed some helpful information that we want to share with you. To review any prior topics covered in Help Desk e-mails/newsletters, visit our web site at www.miwd.uscourts.gov. Click on the "Electronic Filing" link, then "Tips and Helpful Information."



The Court releases login/password information to the registered attorney only. The Court will not release the information to a third party (secretary, assistant, etc.) If login/password information is forgotten or misplaced, the Court will re-mail the registration form to the registered attorney. If the login/password information is needed sooner than that, designated court staff will need to speak with the registered attorney.

UNITED STATES DISTRICT COURT FOR THE WESTERN DISTRICT OF MICHIGAN

District Court CM/ECF Help Desk
Phone: (616) 456-2206 or (800) 290-2742
E-mail: ecfhelp@miwd.uscourts.gov



Send us an email! We want to know what you like/dislike about electronic filing and what we can do to make things better for you.



The CM/ECF Help Desk is available Monday thru Friday 8:00 a.m. to 5:00 p.m., excluding Federal Holidays.