



# CM/ECF NEWSLETTER

March 2006

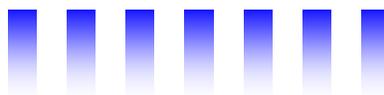
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## Applications for Writs of Garnishment and Execution or Judgment Lien

Several attorneys representing judgment creditors have complained to the court about the immediate notice to defendants provided by the CM/ECF system when a plaintiff applies for a writ of garnishment or execution. Those attorneys have argued that such applications are meant to be *ex parte*, and that immediate notice to the judgment debtor could allow the transfer or secretion of assets before the writ is issued or served. These attorneys have raised the same concern about applications for judgment liens. The present CM/ECF software does not allow for *ex parte* filings; everything that is filed is automatically served on all counsel. An upgrade to CM/ECF is expected later this spring which is expected to provide *ex parte* functionality. In the meantime, we have come up with an interim solution to address these concerns. When you e-file a document using one of the following events, found under Other Filings->Garnishment Documents:

- Request for Writ of Garnishment
- Request for Writ of Execution
- Notice of Judgment Lien (Proposed)

The system will prevent notice from being distributed for a period of fourteen days. The Notice of Electronic Filing (NEF) that is generated at the end of the transaction will lack the service information that it normally includes, because service upon other counsel will not occur. Additionally, after the document is e-filed, it will not appear on the docket (although it will be accessible to the appropriate court personnel). Upon receipt of the application, the deputy clerk will issue the writ or certify the notice of judgment lien on paper as appropriate, and will return the issued paper document to the filing attorney via U.S. Mail. No notice will be generated from CM/ECF at the time the writ is issued or the notice is certified. At the expiration of fourteen days, an entry will be made to the docket by a deputy clerk serving all counsel with all documents previously filed.



## ~SEVEN THINGS YOU CAN DO TO PREVENT COMMON E-FILING ERRORS~

- Signatures

(See W.D. Mich. LCivR 5.7(e) and LCrR 49.10(e))

A registered attorney’s use of the assigned login/password serves as the attorney’s signature on that document. The identity of the filing attorney must be reflected at the end of the document by means of an “s/[attorney’s name]”. Note: When e-filing a joint document, the submitting attorney should represent all signatures with an “s/ \_\_\_\_\_” block for each.

- Attachments

To describe your attachment, select an appropriate item from the Category drop-down list. For example, if the Category “Exhibit” is selected, further description is necessary. In the Description field, type the descriptive information that goes along with the Category (e.g., A), then click the Add to List button. Browse for your next attachment, select the Category (e.g., Exhibit), describe it (e.g., B), and so on. If an appropriate category does not exist for your attachment, do not select a Category and use the Description field only (e.g., Contract with ABC Company). What is selected and entered on the attachment screen appears in the docket text and to users (e.g., the Court and other attorneys) to identify what it is they are about to view.

Displays to user as:

Select one or more attachments.

1) Enter the pdf document that contains attachment (for example: C:\appendix.pdf).

Filename

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2) At your option, select a document category, enter a description, and select a type.

Category  Description

3) Add the filename to the list box below. If you have more attachments, go back to Step 1. When the list of filenames is complete, click on the Next button.

Select the document you wish to view.

Part	Description	
<a href="#">1</a>	Main Document	7 pages
<a href="#">2</a>	Exhibit A	1 page
<a href="#">3</a>	Exhibit B	2 pages
<a href="#">4</a>	Exhibit C	3 pages

Select one or more attachments.

1) Enter the pdf document that contains attachment (for example: C:\appendix.pdf).

Filename

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2) At your option, select a document category, enter a description, and select a type.

Category  Description

3) Add the filename to the list box below. If you have more attachments, go back to Step 1. When the list of filenames is complete, click on the Next button.

Select the document you wish to view.

Part	Description	
<a href="#">1</a>	Main Document	5 pages
<a href="#">2</a>	Contract with ABC Company	6 pages

(Continued on page 3)

## ~SEVEN THINGS YOU CAN DO TO PREVENT COMMON E-FILING ERRORS~

- Proofs of Service

(See W.D. Mich. LCivR 5.7(h))

- 1) Proofs of service do not need to be e-filed if all parties were served electronically with the underlying document (e.g., when you e-file a brief and all parties are served electronically, no separate certificate of service is required).
- 2) Only registered attorneys have authorization to sign documents electronically (their staff does not).
- 3) When proof of service language is within another a document, a reference to this proof should be made within the text of the resulting docket entry, if “free text” space is available.

- Discovery

(See W.D. Mich. LCivR 5.3)

Most discovery materials, including deposition transcripts, are not to be filed with the Court, rather they are exchanged among the parties. Only a proof of service documenting the exchange of the discovery material should be e-filed.

- PDF Format

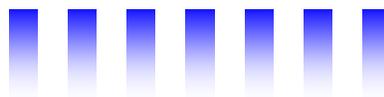
Whenever possible, publishing to pdf is desired, rather than scanning the document. Publishing to pdf makes the file a smaller file size, it allows for searching within the text of the file, and it allows for copying and pasting text. Scanned documents, on the other hand, result in a much larger file size, are not text-searchable nor can the text be copied/pasted. The bottom line—if you created the document, you should publish/render it into pdf.

- Documents

Documents that have a case caption (case name, judge, case number) should usually be e-filed as separate documents, rather than as an attachment. Attachments are either 1) documents you did not create (e.g., things that you would have had to photocopy prior to CM/ECF), or 2) proposed documents you created.

- Correct Event

If in doubt, please contact the Help Desk, and they will help you find the most appropriate event.



## HELPFUL TIPS

It is important to view each and every document before e-filing to ensure that the pdf you are about to file is the correct document. To view a pdf file, right click on the file name when you browse at the file upload screen. Also, if the pdf file is a scanned document, it is important to see if all of the pages are readable and that there are no missing or blank pages.

- ◆ If a document is over 5 MB (e.g., an exhibit or other attachment), you may split the document into parts.
- ◆ Digital signatures make for a larger file size, and are therefore discouraged from being used. Represent signatures by means of an “s/[attorney’s name].” (See W.D. Mich. LCivR 5.7(e) and LCrR49.10(e))
- ◆ The documents listed below must be accompanied by a signed original paper document filed within 72 hours of e-filing:

Affidavits in support or opposition to a motion

Declarations under penalty of perjury,

Certified copies of judgments or orders of other courts

The electronically filed version of these documents must contain an “s/\_\_\_\_\_” block indicating that the paper document bears an original signature. (Local Civil Rule 5.7(d)(iii) and Local Criminal Rule 49.10(d)(iii))

## PAYMENT BY CREDIT CARD

The Western District of Michigan began accepting credit and/or debit card payments over the Internet through CM/ECF via Pay.gov on January 1, 2006. At the present time, the Court will accept credit card and/or debit card payments for civil and criminal appeal fees only.

*“Having the ability to pay the filing fee for my Notice of Appeal by credit card through CM/ECF made the process easier for myself and my assistant. We were able to complete the filing at a time that it fit into our schedule, without having to cut a physical check, and without having to send anyone to Court. I was pleased to see this continued development of the CM/ECF system.”*

–Sarah E. Heineman, Dykema Gossett PLLC

## Message Board:



We have fillable pdf forms available on our website at [www.miwd.uscourts.gov](http://www.miwd.uscourts.gov) under "Court Forms." These forms can be completed on-line. Once completed, these forms can be printed and/or saved in pdf format, as appropriate.



### **FILING FEE INCREASE COMING**

While not directly related to e-filing, we wanted to make you aware that effective **April 9, 2006**, the filing fees for new civil actions and appeals will increase as follows, pursuant to the Deficit Reduction Act of 2005:

Civil Filing Fee -

Increase from \$250 to \$350

Appeal Filing Fee -

Increase from \$255 to \$455



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



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