



CM/ECF NEWSLETTER

October 2005

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Are you protected against SPAM???



For those of you that are not familiar with the techy term, SPAM is basically electronic junk mail. Unwanted e-mail messages from unknowns are bothersome in the least, and they also provide a convenient means to spread harmful computer viruses. Protection is available to protect you from the plethora of unwanted and useless information and potential viruses. Your Internet Service Provider may offer SPAM protection, and you or your technical support staff may install Virus Protection Software on your computer—all tools aimed at assisting you with limiting the junk you do not want.

Those protections are all great, however, e-filers may need to take an extra step in the process and proceed with caution.

Each type of protector will work somewhat differently, but the basic premise with these SPAM/virus protectors is that messages from unknown senders will be filtered out and thus will not make their way to your e-mail inbox. The process can work very well on those unwanted messages. Problems can arise when messages that you want to receive are filtered out because they are identified by your protector as “unknown” senders.

As you are aware, along with electronic filing comes electronic service. When messages are sent from CM/ECF, the Court's server communicates with the recipient's server. When the two servers communicate, the Court considers service to be accomplished. *

Where things can go awry, however, is if your server subsequently recognizes the message as SPAM, and therefore trashes it *before* it reaches your inbox. In this scenario, the message is delivered, you do not get the message, yet the Court considers you served. To avoid this situation, make sure that the Court's e-mail address is listed as an exception to all rules that are set up in your SPAM protection/virus protection software. Messages from CM/ECF in the Western District of Michigan will always come from ecfhelp@miwd.uscourts.gov.

Keep this in mind any time you install or upgrade SPAM and/or virus protection software, and you'll avoid this from happening to you. If you are concerned this may be occurring, please pass this information on to your IT Staff and/or your ISP.

*If the two servers do not communicate, the message gets returned to the Court as undelivered. Returned messages are investigated, and resent upon correction of the issue that made the communication fail.

RECENT UPGRADES TO CM/ECF



On October 8th, the CM/ECF system was upgraded. While there should be little noticeable change for our attorney users, we wanted to point out two new features:

Query

The query screen now offers three different ways to search for information:

- search by case number
- search by case status, filed date/entry date, and nature of suit
- search by case status and name (party or attorney)

You'll also notice that the date the case closed, if applicable, will now display on queries by name or date range (previously only the filed date displayed). This change allows users a choice to search for either pending cases involving a party or attorney, or all cases involving a party or attorney. Previously, the only option was to run a query for all cases; to determine if the case was pending or not, users had to click on the link to each individual docket sheet. With the recent upgrade, the status of the case is immediately evident.

Sequence Selection

When a user is docketing multi-part events, such as a multi-part motion, the order in which the events are selected is the order in which they will be listed in the docket text. For example, when a motion to compel, for sanctions and attorney fees is filed, if the different types of relief are selected in that order, the resulting docket text will read in that order as well. Previously, the events were always listed in alphabetical order by default (which in this example would have read on the docket as a motion for attorney fees, to compel and for sanctions). In order to make multiple selections from a list, use your mouse to click on the first selection, then hold down the control (Ctrl) key while making the subsequent selection(s). To facilitate this change, the order in which events are selected is displayed in the status bar at the bottom of the browser window when the mouse is hovered over the selection list.

Next Upgrade:

In our continued efforts to enhance and improve performance of the CM/ECF system, an additional upgrade will occur over the weekend of October 15th.





HELPFUL TIPS

- ◆ Recipients of electronic service are advised to always look at and rely on language within e-filed documents; recipients are advised against relying solely on the docket text contained within the Notice of Electronic Filing (NEF).
- ◆ All cases that were ever maintained electronically are in the CM/ECF system and are available for e-filing. For civil cases, records date back to those cases that were pending in 1989; for criminal cases, records date back to those cases that were pending in 1992.
- ◆ In some respects, e-filing can be very similar to driving through downtown on the highway. Certain times of the day, you can zip right through. Other times, you can expect a traffic jam causing a slow down. If you are planning to e-file many documents, a large document and/or a document with lots of attachments, it would be in your best interest to plan ahead so that you can file those documents early in the day and avoid the peak rush hours. The e-filing rush hours are 3:00 p.m. - 5:00 p.m.
- ◆ Confusion sometimes exists with regard to whether a document should be scanned or published to pdf. Whenever possible, publishing to pdf is desired. 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.
- ◆ After hitting the final submit button always wait to proceed until you see the Notice of Electronic Notification (NEF). The NEF is confirmation that your filing was processed. Processing time may vary, depending on the time of day, number of files being uploaded, size of files being uploaded, etc.
- ◆ Listed below are some tips for reducing the file size of a document you are planning to scan and therefore reducing your e-filing processing time:
 - reduce the resolution settings on your scanner to 300 x 300 d.p.i. (dots per inch)
 - photocopy grey pages to lighten them before scanning (the darker the color the larger the file size)
 - scan in black and white as a matter of course; use color sparingly, as appropriate





FREQUENTLY ASKED QUESTIONS



How do I change my e-mail address?

ANSWER

Go to <http://www.miwd.uscourts.gov>. Click on the link to Electronic Filing; then on the words Login to ECF/PACER. At the login screen, enter your electronic filing login and password.

On the large CM/ECF blue bar that appears when you gain access to the system, click the word Utilities, then from the menu presented, click Maintain Your Account.

At the bottom of the screen that displays your name and address, click the Email information button. The next screen displays the e-mail information currently in your account. Make whatever edits are necessary, being careful not to put any extra spaces after the e-mail address itself.

Click the Return to Account Screen button, then click the Submit button at the bottom of the Account screen that displays your name and address. Click Submit as prompted to commit the change. A confirmation screen will appear reflecting the new e-mail addresses.



What is the best way to go about preparing and filing a motion and brief?

ANSWER

Prepare your documents like you always have. If it is your practice to prepare your motion and brief as one document, under one heading select Motions under Motions and Related Filings from the menu, and mention the brief in the white free-text box (e.g. with brief in support). If it is your practice to prepare your motion as one document, with its own heading, and the supporting brief as its own document with its own heading just make each document its own pdf file. When e-filing, select motion from the menu, upload the motion pdf, and complete the transaction for the motion. Then select Other Supporting Documents under Motions and Related Filings from the menu to file your brief.



What types of things are attachments?

ANSWER

Attachments are typically either items that you are not the creator of (things that in the paper days you would have photocopied, i.e., exhibits), or they are proposed items that you created (proposed order, proposed document requiring leave of court to file).

Update to a May Newsletter FAQ

If you find that when you print a judge's order and the /s/ represented signature does not print and you are using Adobe 7, you will want to select "Document and Markups" in the "Printer" section of the print manager screen that appears at the time of printing. If you are using Adobe 5, you will want to check the "Comments" box under the "Print Range" section; in Adobe 6, you will want to select "Document & Comments" in the "Print What?" section.

About service...

...electronically-filed documents are served by the CM/ECF system on registered attorneys. Service is complete upon registered attorneys via transmission of the Notice of Electronic Filing (NEF) through e-mail, and NO further proof of service is required. The attorney filing the document should retain a paper or digital copy of the NEF, which serves as the Court's date-stamp and proof of filing. If, however, the NEF indicates that any attorney or pro se party has not been served electronically, then service of that document MUST be accomplished by nonelectronic means of service under Rule 5. Upon completion of nonelectronic service on that attorney or pro se party, a proof of service can be electronically filed. [Note that service of summons and complaint or other initial pleading must be made by one of the methods allowed by Rule 4 of the Federal Rules of Civil Procedure. Refer to Local Civil Rule 5.7(h) or Local Criminal Rule 49.10(h) for complete information regarding service.]

****IMPORTANT REMINDERS****

- ◆ 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."
- ◆ 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))
- ◆ 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) followed by a description of the document, 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), and only a proof of service documenting the exchange should be e-filed.



Message Board:



ALERT: In various parts of the United States, citizens are being targeted by phone calls and threatened with prosecution for failing to comply with jury service in federal or state courts.

In the calls, the threat of a fine for shirking jury service is used to coerce those called into providing confidential data, potentially leading to identity theft and fraud. These calls are not from real court officials.

Federal courts do not require anyone to provide any sensitive information in a telephone call. Most contact between a federal court and a prospective juror will be through the U.S. Mail, and any phone contact by real court officials will not include requests for social security numbers, credit card numbers, or any other sensitive information.

Jury duty is a vital civic responsibility and should be taken seriously by all citizens. However, it is a crime for anyone to falsely represent himself or herself as a federal court official. The federal judiciary takes seriously to such an offense.

Persons receiving a telephone call such as this should not provide the requested information, and notify the nearest U.S. District Court Clerk Office or the local FBI.



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



The Court's Local Rules are located on our website at www.miwd.uscourts.gov. Click on Rules and Opinions, 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 June 21, 2005.



Resources for creating PDF files:

www.adobe.com

www.PDFonline.com

[Kinko's](http://www.kinkos.com)

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.