

PARTICIPANTS COPY

U.S. DISTRICT COURT FOR THE DISTRICT OF UTAH
CM/ECF ADVANCED TRAINING
FOR ATTORNEYS, TRAINERS, PARALEGALS AND SECRETARIES
JANUARY 19TH, 2011 - 9:00 a.m. - 11:00 a.m.
FEBRUARY 9, 2011 - 9:00 a.m. - 12:00 p.m.
www.utd.uscourts.gov
PACER: www.pacer.uscourts.gov
Help Desk: 801-524-6851

****NOTE:** The best practice is to frequently check our website. We are always striving to keep our information up-to-date, and on occasion there are changes made to some of our processes

COMPLAINTS, SUMMONS

Ruth

INITIATING A NEW CIVIL CASE ELECTRONICALLY

Refer to Website:

- Electronic Case Filing>General Information>Initiating a new Civil Case
-

NOTE: before attaching any document during efilng, open the document to make sure it is the correctly formatted PDF to be attached to the efilng event

E-FILED COMPLAINTS and PAY.GOV

- Attach cover sheet (if an error is made during filing, call court, do not re-file complaint)
- If you go past pay.gov and start over, you have already paid the filing fee. For the receipt number, refer to Website:
Electronic Case Filing>Rules & Reference Materials>More Reference Materials>Pay Filing Fees Online
- Look for Payment Agency Tracking ID # - this is the RECEIPT number

ELECTRONICALLY ISSUED SUMMONS

Refer to Website:

- Forms
- Electronic Case Filing>General Information>Electronic Summons
- Summons Issued Electronically are Restricted Documents - click on the document number when the NEF is received. If prompted with a login screen, login with the attorney CM/ECF login to retrieve the Summons for printing. If the free look has been taken, then log into CM/ECF with attorney login and password and then PACER (with it's unique login/password) to retrieve and print the Summons

PAPER COMPLAINTS

- MUST have a completed cover sheet and a CD that includes the Complaint, cover sheet and any exhibits in PDF format, 5 MB each Download to the CD a separate PDF for each document ie: the Complaint, Cover Sheet, Exhibits/Attachments, etc. Each part must be 5 MB or smaller (how to Split a Document (refer to **website** for instructions)
- Submit a courtesy copy for the Judge of the Complaint, cover sheet and any exhibits

- There is a 24 hour drop box in the front of the courthouse, south steps. You can date stamp your document(s) and the date will be preserved
- Cases are opened from 8:30 - 4:00 p.m. Monday - Thursday and 8:30 - 3:30 p.m. on Friday

NOTICE OF REMOVAL (EITHER E-FILED OR IN PAPER)

- MUST include the State Complaint and/or whatever document establishes federal jurisdiction
- MUST also include the State Summons
- Paper - MUST have a completed cover sheet and a CD that includes the Notice of Removal, cover sheet and exhibits
- Paper - Submit a courtesy copy for the Judge of the Notice of Removal, cover sheet and any exhibits
- There is a 24 hour drop box in the front of the courthouse, south steps. You can date stamp your document(s) and the date will be preserved
- Cases are opened from 8:30 - 4:00 p.m. Monday - Thursday and 8:30 - 3:30 p.m. on Friday

PRIVACY POLICY

- If a document is E-Filed with confidential information, the clerk's office may call chambers for a preliminary verbal order to seal but counsel need to follow up with a Motion and Proposed Order or Stipulated Motion and Proposed Order to have the document sealed
- Documents are NOT removed from the docket due to these types of filing errors
- Electronic Case Filing>Rules and Reference Materials>Privacy Policy
- Refer to DUCivR 5.2-1 Privacy Protection for Filings Made With The Court and FRCP 5.2

FILING

If in doubt about how to file a document, call the help desk at 801-524-6851 between 1:00 p.m. and 4:30 p.m. each day, or before 1:00 p.m. , call 801-524-6100. Your question will be answered or routed to the docket clerk for the assigned presiding Judge.

FILING EXHIBITS/ATTACHMENTS

Cheryl

Refer to Website:

- Electronic Case Filing>Rules and Reference Materials>Exhibits - How to Properly Identify
- Refer to Section II (E)(1-7) of the Administrative Procedures (Page 6)
- Documents/attachments cannot be over 5 MB - how to Split a Document (refer to **website** for instructions)
- Always use an exhibit/attachment index page
- Give exhibits/attachments meaningful names
- Don't attach more of an exhibit than is needed

OVERVIEW OF FILING EVENTS

Ruth and Cheryl

- What if the name of my document does not match the name of an event - if in doubt, call the Help Desk or before 1:00 p.m. call 801-524-6100 and ask for the docket clerk for the assigned Judge
- It is very important to use the correct event as the court uses the system as a case management tool

- **SEARCH** feature on blue bar
- Importance of choosing the proper motion and to use the proper related motion events found under Motions and Related Filings>Responses, Replies and Other Motion Related Documents

WHAT NOT TO FILE

Aaron

- Pretrial Disclosures - Refer to FRCP Rule 26
- Exception - **Proposed Witness Lists, Proposed Exhibit Lists, Designation of Experts and Expert Reports** are filed pursuant to **FRCP 26(a)(3)**. You may choose either “Witness List (Proposed)” or “Exhibit List (Proposed)”. If you are filing a Proposed Witness and Exhibit List, choose one of these events and text in the other ie: **Event chosen:** Exhibit List (Proposed) **and added as text,** *Witness List (Proposed)*. For an Expert Report, choose “Expert Report” under Discovery Documents
- If there is a discovery controversy and a need arises to bring the fact of the discovery dispute(s) to the attention of the court, the discovery documents should be added the motion/memorandum as exhibit(s)

RESTRICTED DOCUMENTS

Ruth

Refer to Website:

- Electronic Case Filing>Rules and Reference Materials>More Reference Materials>Documents Restricted through PACER
- Transcripts - 90 days before released to public/redaction information

SEALED DOCUMENTS

Cheryl

Refer to Website:

- Electronic Case Filing>Rules and Reference Materials>Sealed Documents - How to File
- Always filed in paper - original and one copy (unless there is a referred magistrate, then an original and two copies)
- Refer to DUCivR 5-2(d)
- Sealed CIVIL Documents - will be able to see the docket text and title of the document
- SEALED CRIMINAL Documents - will be able to see the docket text but no identifying information re: title of document
- If there is a SEALED ENTRY-DOCUMENT, then there will be a gap in the docket entry numbers as the document entry will not be visible

OVERSIZED/NOTICE OF CONVENTIONAL FILING

Aaron

- Refer to Section II (F)(1-5) of the Administrative Procedures (Page 8)
- Hint - If the document should have been E-Filed, but is oversized, then a Notice of Conventional Filing should be filed (Electronic Case Filing>Sample Documents>Notice of Conventional Filing)
- NOTE: If you file in paper, you must also serve opposing party(s) in paper and include a mailing certificate

NON-REGISTERED FILERS

Aaron

- If there are parties or counsel who are not registered E-Filers, create a Mailing Certificate and reference how each party was served ie: via CM/ECF (**Notice of Electronic Filing - NEF**) or via US Postal Service

- You can determine service by clicking on the blue bar:
 - Utilities>Mailings
 - Add case number
 - You will see two categories:
 - Electronic Mail Notice List
 - Manual Notice List
- You can create a Mailing Certificate - copy and paste the attorneys/parties referenced (both categories)

MOTIONS/PROPOSED ORDERS AND JOINT MOTIONS

Cheryl

- How to file Joint Motions (Stipulated)
- Docket the event “Stipulation” (not a Motion). Look for message re: ruling. If a Judge will need to rule on the motion, then file the Motion and attach a Proposed Order
- An example of a true “Stipulation” would be “STIPULATION of Facts”, “STIPULATION of Initial Listing of Claims for Adjudication”
- A true STIPULATION would not need an order
- PROPOSED ORDERS PROCESS
 - Refer to Section II (G)(1-6) of the Administrative Procedures (Page 9)
 - Always attach a proposed order in PDF format to a motion
 - **ALWAYS EMAIL** the proposed order in Word or Word Perfect format to chambers, adding “Proposed Order, Case Name and Number” in the **Subject Line** of the email
 - Send the proposed order to chambers contemporaneously with the E-Filing of the Motion and Proposed Order

AN ATTORNEY FILES A DOCUMENT BUT ANOTHER ATTORNEY SIGNS THE DOCUMENT

Aaron

- What happens when one attorney files a document but another attorney signs it?
 - We review the case to determine if both attorneys have already made appearances. Once we determine that status, we bring this to the attention of both the filing attorney and the signing attorney normally via email and if necessary, a Modification of Docket

OBJECTIONS (should be used rarely)

Aaron, Louise and Lena

- What types of documents would this event be used for?
- Should be used very rarely and if used, tied to something on the docket
- Should never to be used for Motion related entries

MEMORANDUM (Not to a Motion)

Cheryl

- What types of documents would this event be used for?
- Example - link to a Bill of Costs, Memorandum (In Opposition) to a Jury Demand, Memorandum in Support of an Objection. This event is used to file a document that is part of the record, but is not used in conjunction with motion related events. Use the events found under “Motion and Related Filings>Responses, Replies and Other Motion Related Documents”

TIME FOR E-FILING

Cheryl

- You may E-File 24/7 (unless you have a set time per order or instruction from chambers for filing your document. NOTE: when E-Filing a document, the current date will be preserved until 11:59 p.m.
- You may file your document in paper, if necessary, by visiting the clerk's office or using the 24 hour drop box in front of the courthouse, south steps
- If CM/ECF is down, you will not be able to login. There will be a posting on our website re: the downtime. Refer to the Administrative Procedures, Section III (B) (1-3) (Page 14)

CIVIL MOTIONS TO JOIN

Louise and Lena

- As there is no provision for joining with a **document**, the clerk's office can't give any guidance regarding how to file these
- Motions to Join "**Parties**" is the usual application

CORPORATE DISCLOSURE STATEMENTS

Louise and Lena

- Pursuant to FRCP 7.1
- Must be filed by nongovernmental corporate parties identifying any parent corporation and any publicly held corporation owning 10% or more of its stock; or states that there is no such corporation
- A party must file the disclosure statement with its first appearance, pleading, petition, motion, response, or other request addressed to the court, and promptly file a supplement statement if any required information changes

ADDING PARTIES AND DOCUMENTS THAT MUST BE FILED/SUBMITTED IN PAPER

Ruth

TO ADD PARTIES

Refer to Website:

- Section II (G)(7) of the Administrative Procedures (Page 11)
- More Reference Materials>Documents Adding Parties
- When filing an Amended Complaint, look carefully at the parties - does the caption match the parties listed in the body of the Amended Complaint?
- If you have an Executed Summons and cannot find the name in the pick list when E-Filing, it is probably because one of the John Does named in the complaint has been located and served with the complaint. Please call the court - we will add the name of the defendant(s) and then the executed summons can be E-Filed

CIVIL SCHEDULING (Website under Attorney/Bar Information with forms)

Ruth

THREE DAY RULE (refer to website)

Louise

SERVICE TIME

- Does hand delivery calendaring apply or are the three days to be added as reflected in the mailing rule?
- See FRCP Rules 5 and 6

RETENTION OF ORIGINALS

Louise

MAINTAINING THE ORIGINAL IN THE FILING ATTORNEY'S OFFICE

- The importance of maintaining a pen signed copy in the firm's files re: E-Filed documents that include another attorney or party's signature
- See Section II (A)(2)(a-c), (3)(a-c) of the Administrative Procedures (Page 3)
- Attorneys must retain the ORIGINAL document signed by other parties/attorneys ie Proposed Orders Approved as to Form, Affidavits, Declarations, Stipulated Motions

LAW CLERK PRESENTATION

Lena

MOTIONS REPORT (handout)

- How is it created and used?

EMAILING ORDERS TO CHAMBERS

- Importance of this practice

LODGED vs FILING

- Difference between "Lodge" and "Filing"
- Lodge = a document associated with the case but not part of the official court record ie correspondence from a party, an improperly issued summons (signed by plaintiff or plaintiff's attorney)
 - Filing = part of the official record of the case ie motions, memoranda, affidavits, declarations
 - "Redacted" Documents and why it would be better to file a redacted document rather than a sealed document
 - Request for Hearing vs. Motion for Hearing - the best practice is to file a Motion as it will be more visible to the judge as it will appear on the Pending Motions Report

COMBINATION DOCUMENTS

- If an attorney styles a document "Memorandum in Support of _____ and in Opposition to _____", if possible, two separate documents should be prepared and then filed. If the document will stand as is, then it will need to be filed twice, attaching the same image to each entry - one entry as a Memorandum in Support and the secondary entry as a Memorandum in Opposition

TECHNICAL

Bob

USING TABLE OF CONTENTS, BOOKMARKS AND RESEARCH HYPERLINKS

- See Website for Reference Materials
- Judge Nuffer's Resource webpage
- Create a document in Word or Word Perfect. In Word, click on Adobe Acrobat (in Word Perfect, select Publish to PDF), convert to PDF and the hyper-links and the bookmarks will be created in the PDF

TEXT BASED PDF'S/OCR SCANNED MATERIAL

CROP AND ROTATE

SCANNING RESOLUTION

- 300 dpi

USING THE RIGHT COLOR

- Black and white recommended except for color maps, photos, etc.

FILE SIZE

- Cannot be over 5 MB - how to Split a Document (refer to **website** for instructions)
- West Law links in a document (demonstration)

PACER CASE LOCATOR

Ruth

- <http://pcl.uscourts.gov>

JUDGES PREFERENCES (refer to website)

Aaron

CRIMINAL MOTIONS TO JOIN (if any interest)

Refer to Website:

- Electronic Case Filing>Motions to Join - How to File

QUESTION AND ANSWER TIME

NOTES:

RESOURCES

- Administrative Procedures Manual
- Judge Nuffer's webpage :
http://www.utd.uscourts.gov/judges/nuffer_resources.htm
- Website - www.utd.uscourts.gov

Electronic Case Filing
Sample Documents
Resource Materials
Motions to Join
Training
Initiating a New Civil Case
And many more resources available

- **Basic Civil E-Filing** is offered by the court. You may register for a class on our webpage - Electronic Case Filing>Training>Sign up for a training class

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