Ronald N. Boyce Federal Court Litigation Practice Seminar

Salt Lake City, Utah
October 27, 2006

David Nuffer
U.S. Magistrate Judge

How E Filers Can Make Chambers Happy

A Look at the Chambers Work E-environment

- to motions
- to cases, statutes and rules
- include a Table of Contents
- to filed documents *(in the future)*

Always File a Text PDF!
A Text PDF is smaller, searchable, copyable, and supports links.
A Scanned (Image PDF) is large and lifeless.

Pick all the right forms of relief.
Ask for expedited relief.

Questions and Answers

Blue text in this document is a hyperlink. Download it at http://www.utd.uscourts.gov/judges/nuffer_resources.htm

A Look at the Chambers Work E-environment

## Multiple Monitors or Large Monitors

Fundamental to the ability to work effectively in the electronic world is an *electronic desktop*. In the paper world, we work on a large desk to be able to work with many items at once. In the electronic world, a *large virtual desktop enables us to work simultaneously with many electronic sources* of information while we do our work, which may include electronic composition, analysis and communication.
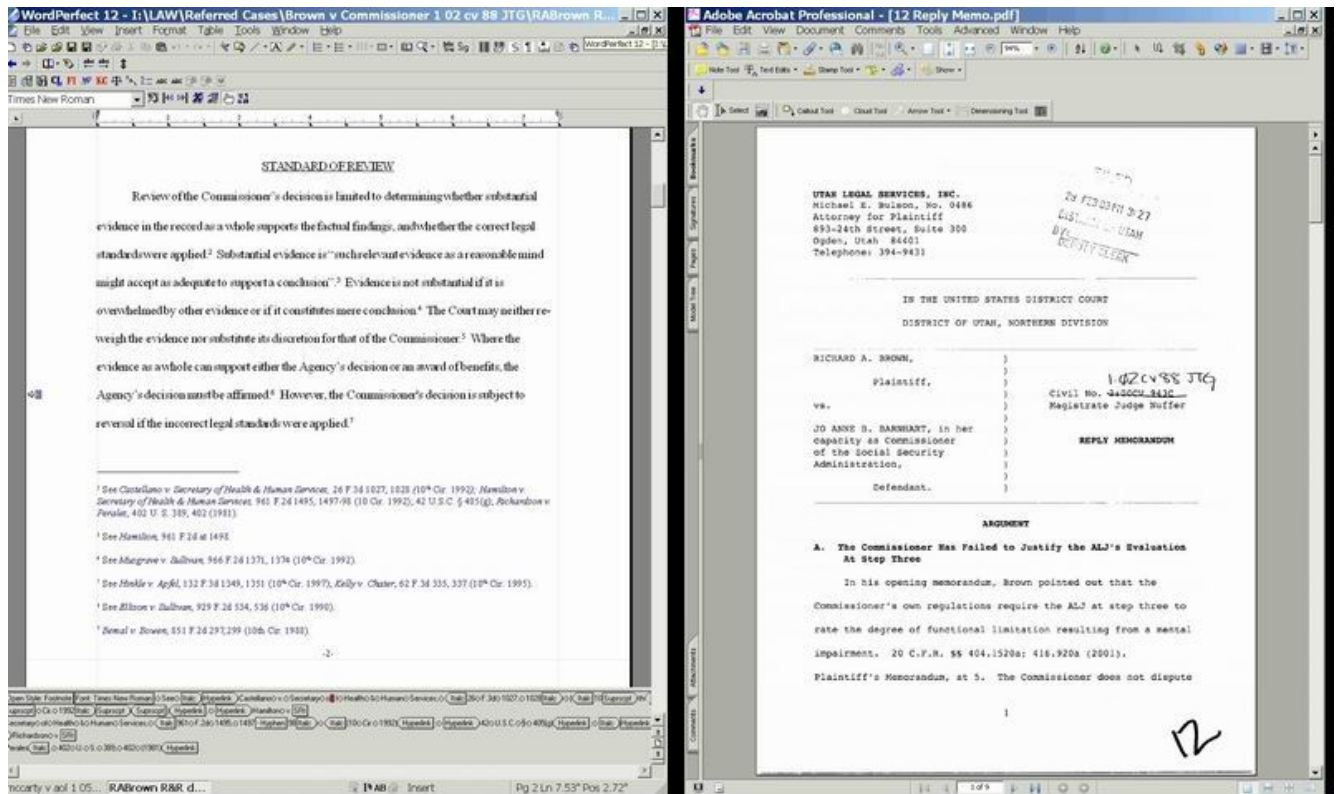
Word Perfect document   Adobe Acrobat document (from CM/ECF)

Multiple monitors or large monitors allow view of many source documents (Westlaw, Lexis, PACER, CM/ECF, PDF files) while composing other documents (Word or WordPerfect or CM/ECF).   Multiple documents from the same application may be viewed side-by-side. Copying and pasting between screens or windows is possible because all monitors are connected to the same computer.   (If using multiple monitors, it is best to use identical displays.)
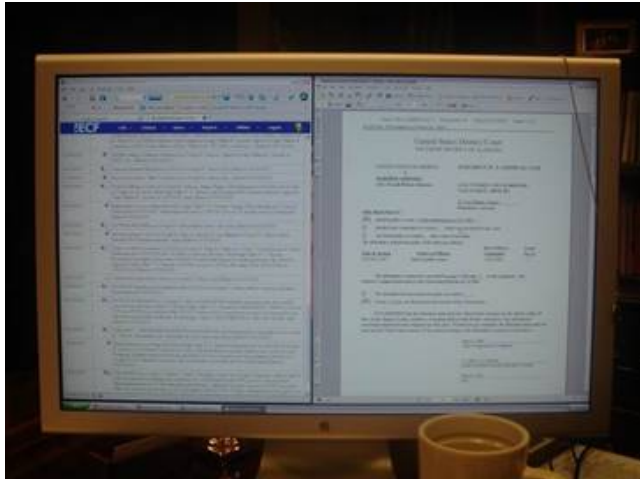
a large display, showing two windows
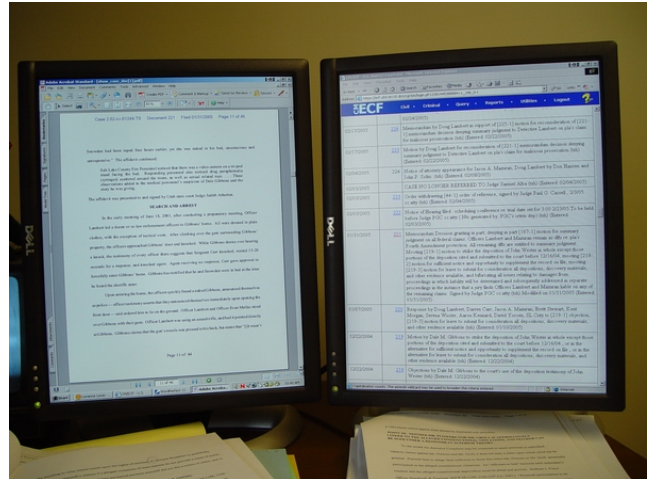
two monitors side by side, rotated

Operating systems since Windows 98 permit creation of a large "virtual display" which spans several physical monitors, if the computer has a video display hardware which can drive two monitors.

The **capability to have two displays is built into most laptop computers** (control panel at right).

The dual display features are regulated in the Display Properties control panel, Settings Tab.

Microsoft help pages describe how to use multiple displays:

Turn_on dual monitor support

How to Enable Multiple Display Support Using Windows 98

HOW TO: Set Up and Troubleshoot Multiple Monitors in Windows 2000 (This article includes information on installing multiple display adapters.)

HOW TO: Configure and Use Multiple Monitors in Windows XP

In many desktop computers, it is possible to use **two standard display adapters** to drive dual monitors to create a large integrated desktop.

Hardware Requirements for Multiple Display Support in Windows 98
Hardware Requirements for Multiple-Display Support in Windows XP

Many manufacturers supply **single slot display adapters with two heads** (cable connections) which support two monitors on each card. More than one can be used in one computer to drive more than two displays.

NVIDIA   ATI (use keyword "dual display" to search products)   Matrox

Many display adapters are able to use **special software which permits rotation of displays.**   A rotated flat panel allows the user to "page through" documents and see an entire page at a time on the virtual desktop. The user's experience with electronic documents then resembles use of paper on a physical desktop.

NVIDIA software   ATI software

Dell Laptops with the ATI Mobility Radeon X300 video card have the ability to rotate an external monitor or, if you have a docking station, two monitors may be rotated. Instructions

http://www.utd.uscourts.gov/documents/Dual_monitors.html

Summary NEF

Activity has occurred in the following cases:

2:01-cv-00040-DB-DON USA v. Magnesium Corp Amer, et al
Motion to Amend/Correct   **292**

Docket Text:
Stipulated MOTION to Amend/Correct [230] Order on Motion to Amend/Correct *Scheduling Order* filed by Defendant US Magnesium. (Attachments: # (1) Text of Proposed Order)(Hillman, Shane)

1:02-cv-00156-TC-DON Nerden, et al v. Dave Moores Inc, et al
Motion for Extension of Time to File Response/Reply   **46**

Docket Text:
Stipulated MOTION for Extension of Time to File Response/Reply as to [40] Defendant's MOTION for Partial Summary Judgment filed by Defendants Dave Moore's, Inc, David R. Moore. (Attachments: # (1) Text of Proposed Order on Stipulated Motion to Extend Time to File Reply Memorandum in Support of Defendant's Motion for Partial Summary Judgment)(Sanders, Gregory)

2:03-cv-01098-PGC-DON Lee v. Carlson, et al
Summons Returned Executed   28

Many chambers receive a *summary* Notice of Electronic Filing. It is generated in the early morning hours and includes a summary notice of all filings from the prior day.

Implications:
> Chambers may not know about a filing until the next morning.
> Chambers may not know more than you include in your docket text.
> Only the types of relief you request will show on the docket text and title.

The Motions Report
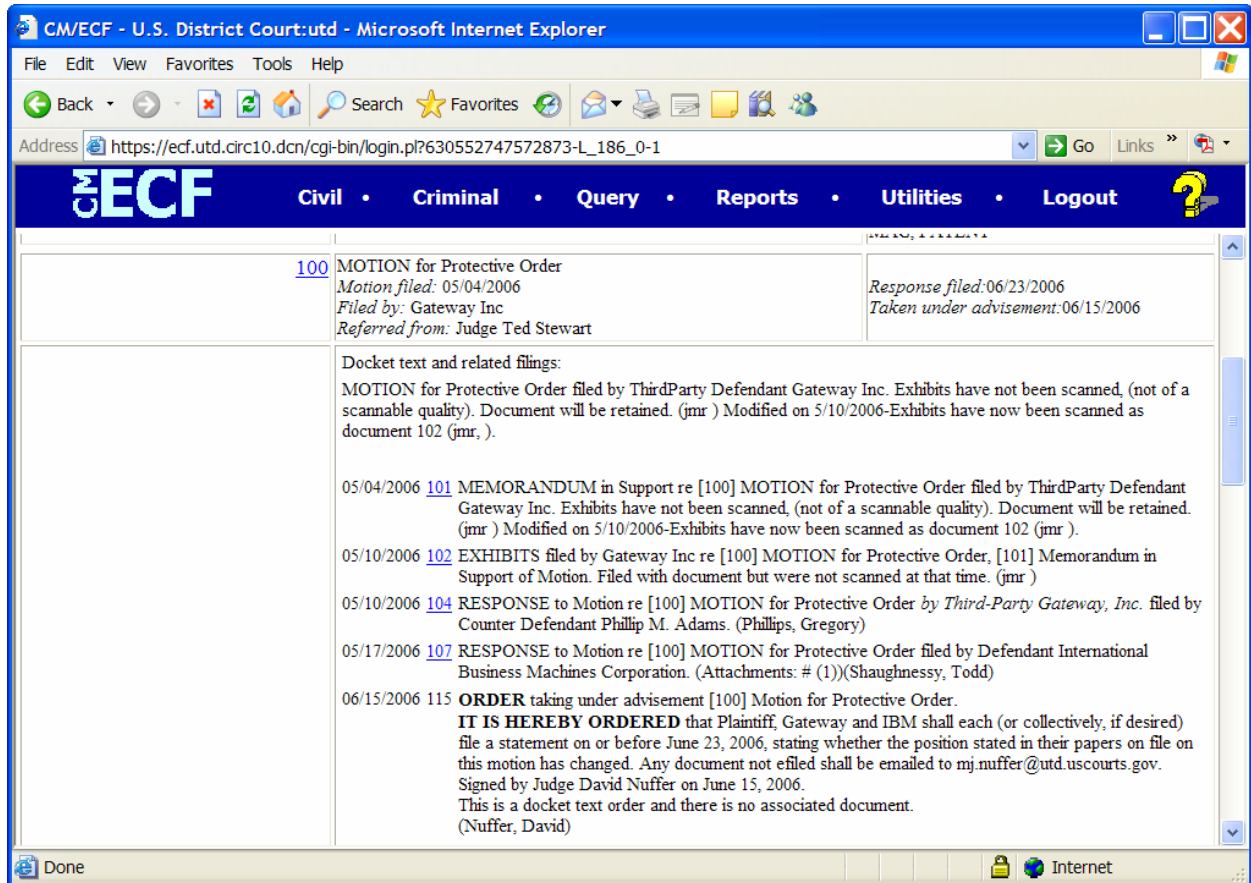
The motions report is a key action tool for chambers. All documents related to a motion show on the report, with docket text and hyperlinks.

Implications:

> If you don't file a document as a motion, neither it nor related documents will show on a motion report.
>
> If you don't link a document to a motion, the document will not show on a motion report.
>
> If you don't select multiple forms of relief when filing, the court may not be aware of your requested relief and there is a barrier to granting relief because there is no motion to grant or deny for that specific relief.

Downloading documents from CM/ECF
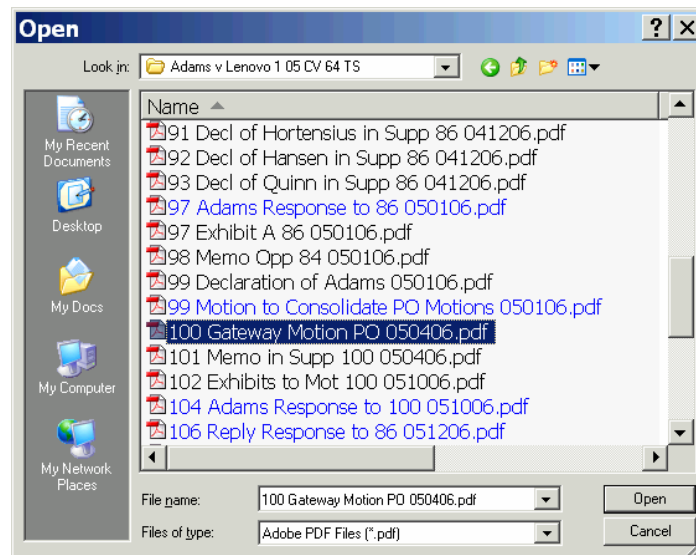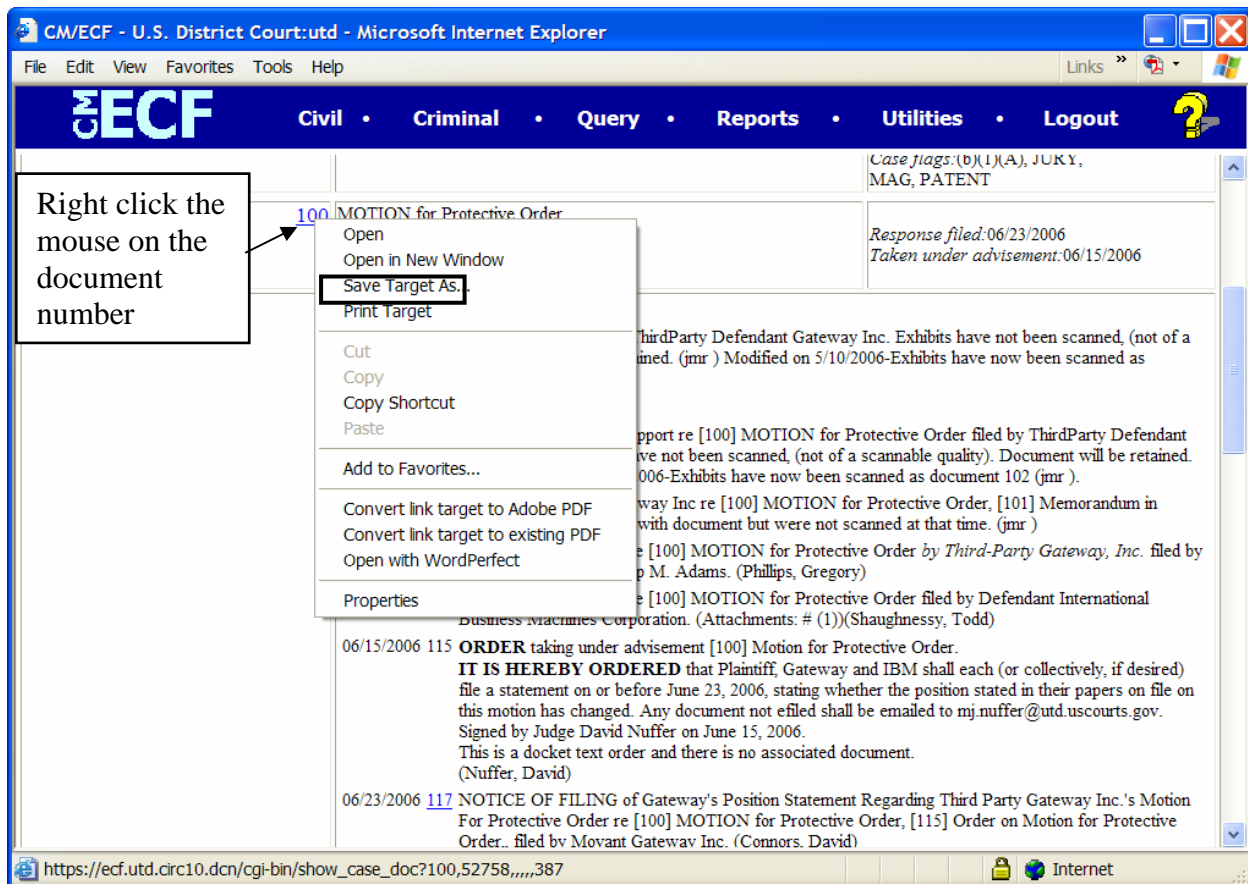
Name convention: [Docket No.] [Description] [(Related Motion Dkt. No.)]
Example: 101 Memorandum in Support (100)

Annotating PDF Documents

Acrobat Standard and Pro have tools to permit Highlighting, Underlining, and Strikethrough. PDF documents can be marked up as easily as paper documents.
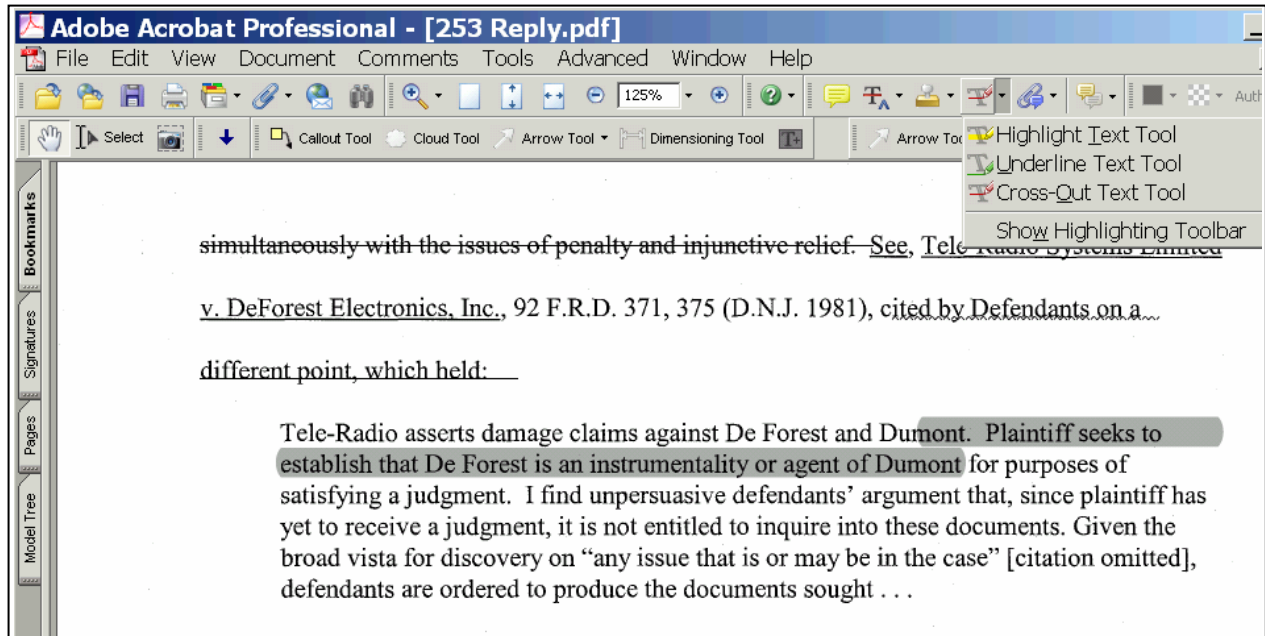
This lower screen shot shows color, which is user selected.
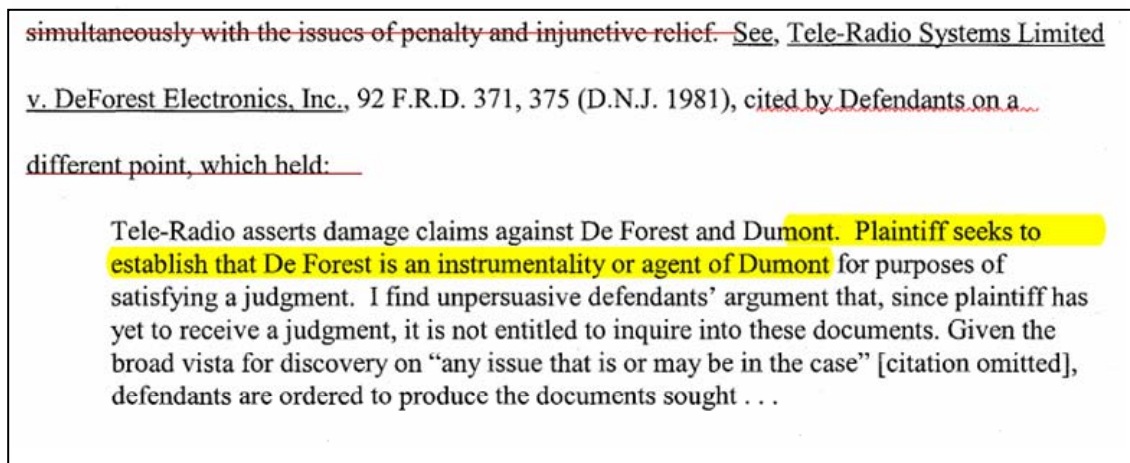
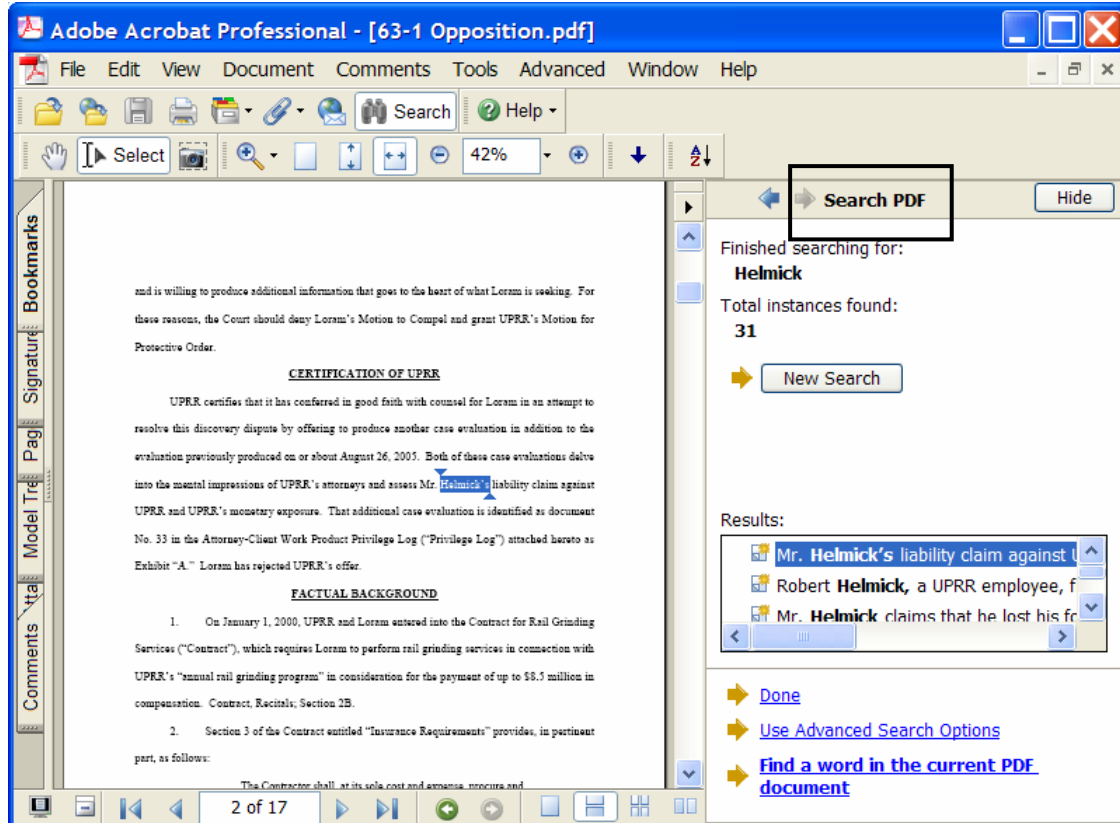While reviewing documents, **text boxes** can hold margin notes.

This is a text box
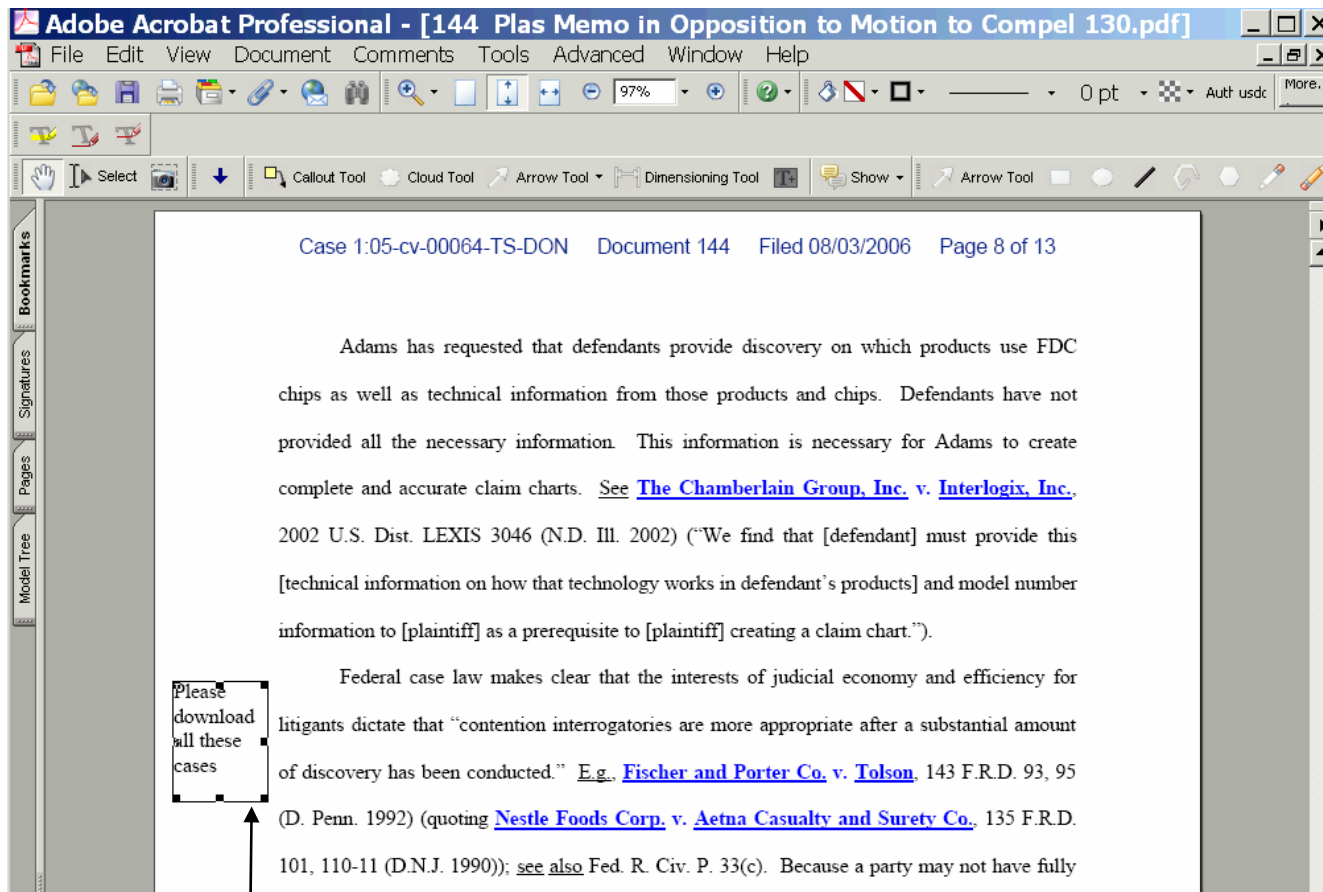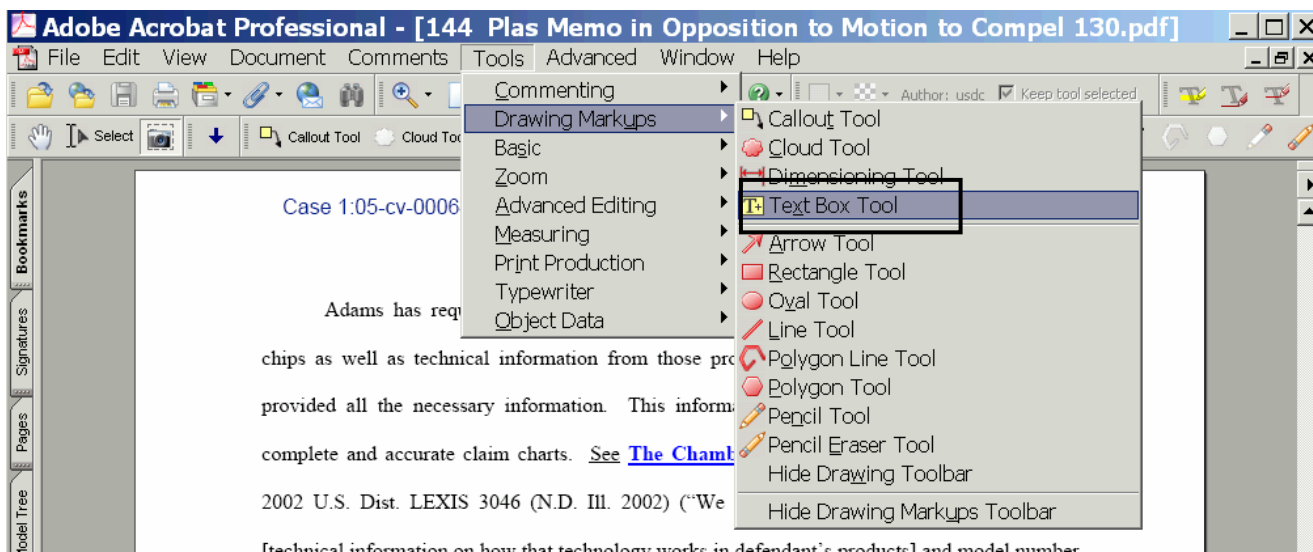
Searching PDF Documents

Acrobat has two powerful search tools.
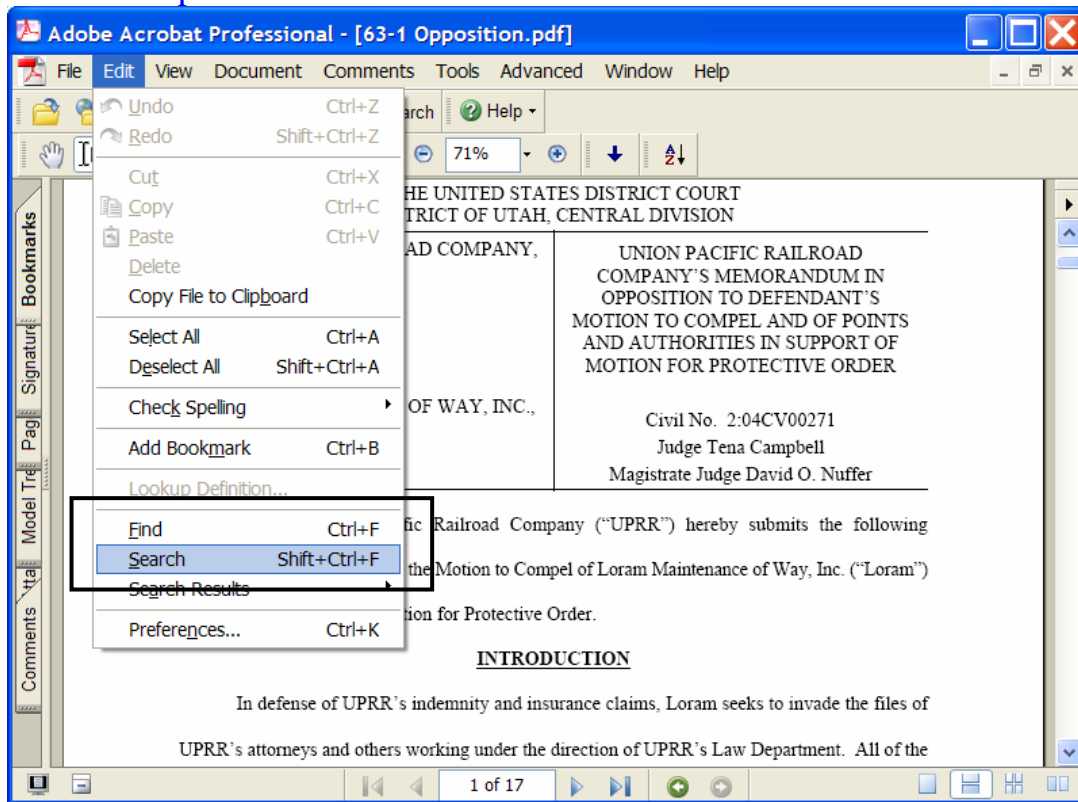
FIND takes you to each successive instance of a word.
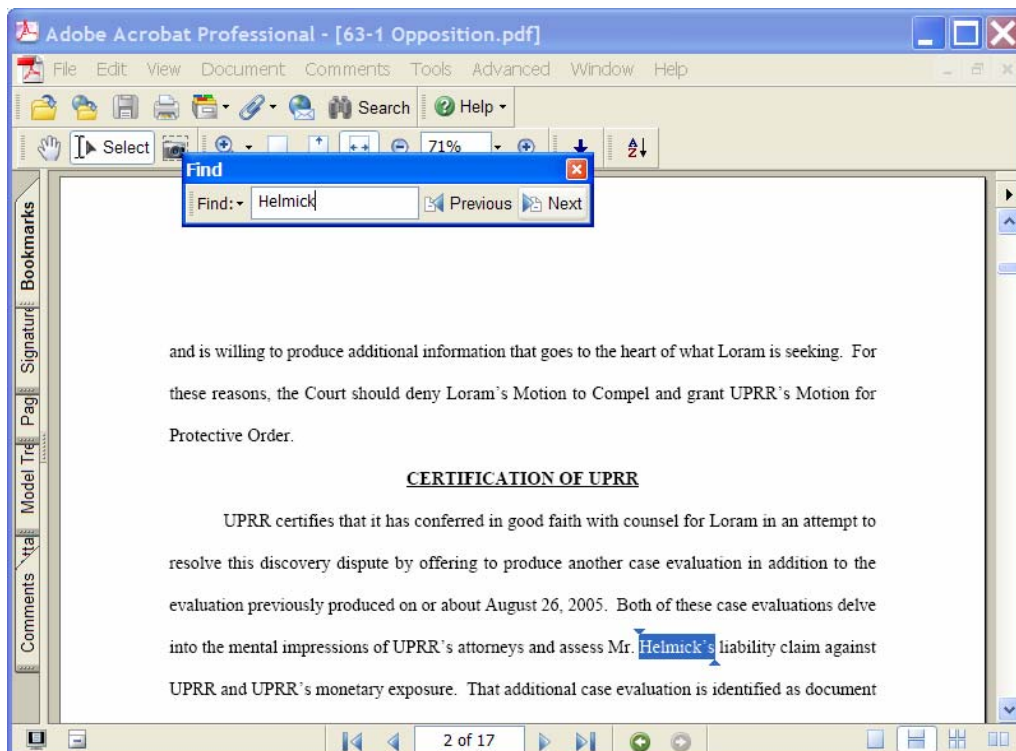
SEARCH shows a listing of all instances of a word in the document.

Hyperlinks

Include hyperlinks to authorities cited in your memoranda by using WestCiteLink or LexLink, part of LexisNexis Citation Tools 2003. See a sample document with hyperlinks. Another sample. Another sample with a table of contents. Sample document with Lexis links. Click on a link in the sample documents or on blue text below in this sample to see how hyperlinks make it easy to find cases, statutes and rules.

The United States of America filed a petition to enforce its May 19, 2005 IRS Summons ("the Summons") pursuant to 26 U.S.C. §§ 7402(b) and 7604(a). Judge Stewart issued an Order to Show Cause on January 25, 2006, which referred this matter to the undersigned under 28 U.S.C. § 636(b)(3). United States v. Jones, 581 F.2d 816, 817 (10th Cir. 1978) (referring IRS summons enforcement to magistrate jud[http://www.westlaw.com/find/default.wl?rs=CLWP3.0&vr=2.0&cite=581+F.2d+816]

The tool to create research hyperlinks for Microsoft Word or WordPerfect is free.   The person viewing the document incurs Westlaw or Lexis charges.   The court has Westlaw and Lexis access.   An April 2006 survey of judges' chambers indicates both are used, but Westlaw use is predominant.

Watch a video presentation about hyperlinks to cited authorities. (requires Flash player).

What Attorneys Can Do to Make Chambers Work Easier

Link! – and use PDF conversion that preserves links
- to cases, statutes and rules – *use research hyperlinks*
- to motions – *when filing link your document to any related motions*

Select **every** motion to which your new document relates.

Links show in the docket – and ensure the document is on the motion report

- in your Table of Contents – *use a table of contents and make it link*
- to filed documents (in the future) – *future CM/ECF versions will let you link to docketed documents*

Always File a Text PDF! *Video on PDF Types*

A Text PDF is smaller, searchable, copyable, and supports links.
A Scanned (Image PDF) is large and lifeless.

Use PDF Conversion to Preserve Links

When you have prepared a document with hyperlinks to research services or with a Table of Contents, make sure the document is converted to PDF format in a way that preserves the hyperlinks. The hyperlinks are present in the word processing document, but not converted into PDF format when the document is prepared for filing. This may result from using a PDF converter that cannot convert hyperlinks or from improper settings on a PDF converter. The filed document contains blue text and underlines that signal links, but there are no operative links.

In Microsoft Word, the PDF printer will **not** convert hyperlinks.
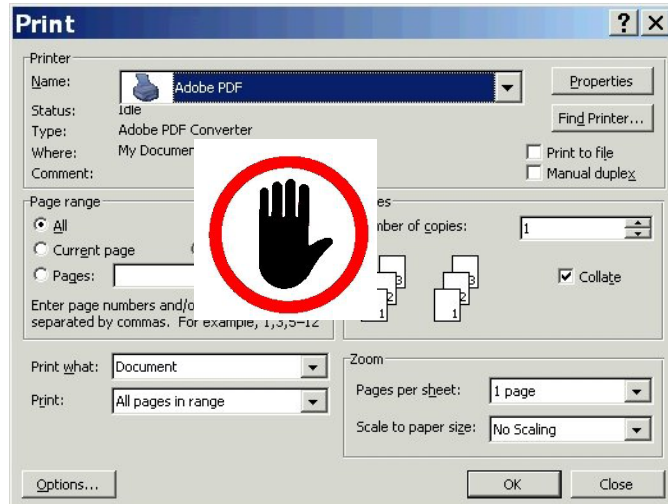
Instead, use the special Adobe PDF menu or toolbar buttons to convert Word documents to PDF with hyperlinks.
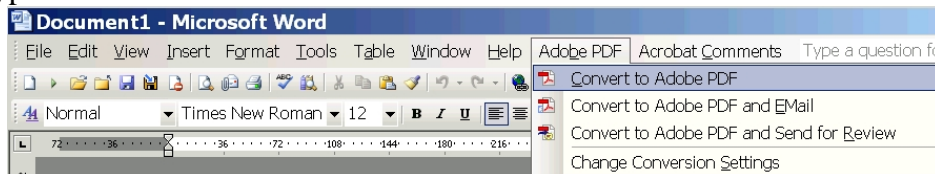
In WordPerfect, the Publish to PDF settings must be set to convert hyperlinks and bookmarks.
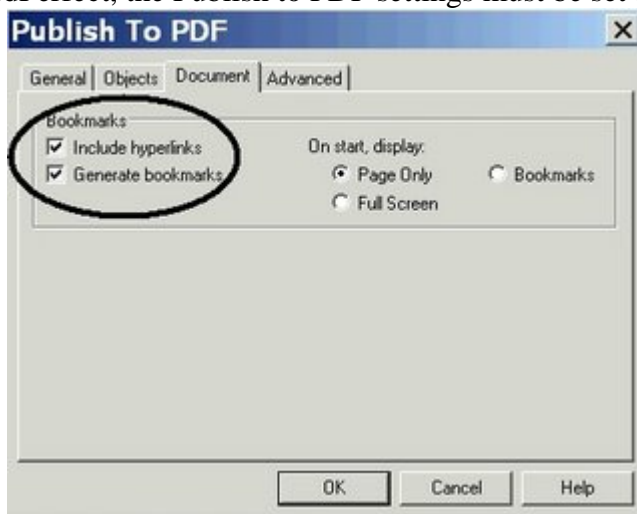
Seek Relief!

Pick **all** the right forms of relief.

Find the right form(s) of relief by using the Attorney Menu Items Report:

Select the Civil events or Criminal events report.

Use the FIND command to find the event you want. The menu headings are in blue.

Select multiple forms of relief by CONTROL-CLICKing.

If you want it, be sure to ask for expedited relief. This selection makes sure a motion shows up on the motions reports and that the "expedited" concern shows on the Summary NEF.

Identify Exhibits!

When including attachments,

Only use the CATEGORY if it is truly appropriate

Use DESCRIPTION - descriptions may go up to 255 characters!

Good DESCRIPTIONS make documents accessible

Document Selection Menu

Select the document you wish to view.

Part	Description	
1	Main Document	15 pages
2		3 pages
3		10 pages
4		6 pages
5		6 pages
6		6 pages
7		6 pages
8		8 pages

Document Selection Menu

Select the document you wish to view.

Part	Description	
1	Main Document	18 pages
2	Exhibit A - Patent	16 pages
3	Exhibit B - Sevea Brochure	7 pages
4	Exhibit C - Activ Inst Sheet	5 pages
5	Exhibit D - Photo Sample Product	2 pages
6	Exhibit E - Photo Sevea Pamphlet	8 pages
7	Exhibit F - Photo ACA	35 pages
8	Exhibit G - Email to Plaintiff	3 pages

Submit proposed orders in word processing format!

☐ Submit the proposed order via email in word processing format. *Not PDF format.*

☐ Send the proposed order to the correct judge. *Read the Administrative Procedures.*

☐ Put *at least* the case number and case name in the e-mail subject line.

☐ Attach the proposed order to the motion in PDF format.

Administrative Procedures II. G.