

# Electronic Filing News

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## CM/ECF Statistics

- 2176 Attorneys are registered for electronic filing in US District Court in Nebraska
- There are currently 29,000 cases managed on the CM/ECF system in Nebraska
- Attorneys filed 73% of their civil pleadings and 56% of their criminal pleadings electronically in July.

## Best Practices Forum Scheduled for Fall

Our first Best Practices forum, held in February and March of this year, was very well received. The forum was held at all three courthouses and was attended by more than 150 people. Topics included a scanning demonstration, information on dealing with e-mail notifications and an open discussion forum.

Survey results suggested that a similar forum be held on a semi-annual basis. Therefore, we have scheduled a second CM/ECF Best Practices Forum for this fall. The goal of the forum is to bring together attorneys, paralegals and legal secretaries to share successes and ideas in using Electronic Filing.

The preliminary agenda consists of an open forum discussion with a panel of “e-filing” attorneys discussing how CM/ECF has changed the legal practice, what the benefits and disadvantages are, and what you would like to see in the future of CM/ECF. Additional breakout sessions will include a hands-on pdf class,

and an opportunity for you to help us modify some of the screens and flow of events in CM/ECF.



All attorneys, secretaries, paralegals and other law firm staff are encouraged to attend. The forum is free of charge. **The forum will be held in**

**North Platte — September 30th**

**Omaha — October 7th**

**Lincoln — October 21st.**

For more information on dates, times and registration, please visit our website at [www.ned.uscourts.gov/cmecf](http://www.ned.uscourts.gov/cmecf) click on Best Practices Forum.

If you have an idea for a topic you would like to see presented, would like to be a member of an attorney panel, or have a successful idea or solution that you would like to present to others, please contact Luta Pleiss (402) 661-7363.

## Adobe Acrobat 6.0 Conflicts with CM/ECF

At this time we are not recommending an upgrade to the most recent version of the Adobe Acrobat writer software version 6.0. It has been discovered that pdf documents created with Acrobat 6.0 cannot always be read by lower versions of Acrobat Reader.

If you have already purchased Acrobat 6.0 you will have to Use Tools > PDF Optimizer to save as an older version, such as Acrobat 5. This must be done before using PDF writer of Distiller. The PDF Optimizer is only available in the Acrobat 6 Pro version.

## Guest Columnist

### E-Filing and Me

by William E. Olson

I have been welcomed to the electronic world of electronic filing by the United States District Court. I previewed the Electronic Case Filing (CM/ECF) system about 24 months ago through my work on a committee. I decided it was time to sign up for my training.

I took my training, conducted my on-line practice and registered for the CM/ECF system. It was time to use the system. Ironically, the first case which necessitated use of the CM/ECF system involved another attorney in the office who had not gone to training. This meant that I had to sign on as an additional counsel on the case, and could then make the filings necessary for this attorney. Since then, this attorney has registered and has made filings (using his secretary) on the system. However, I still receive all electronic notices of any



filings now that I am additional counsel.

Using the system has been virtually free of trouble, except that we discovered that in order to get a “free peek” at a document filed on-line, you should type in the client number box “free peek”. The system allows each newly filed document to be viewed once, which can then be downloaded or printed, without charge. After that, additional “peeks” of the document will be charged to the account that you set up when registering.

My impression is that the system works, and it works well. A document prepared in any word processing format can be filed using the required PDF format. The Federal District Court electronic filing system is a look at the future. In the final analysis, that future is now.

*If you are interested in being a guest columnist, please e-mail  
Luta\_Pleiss@ned.uscourts.gov*

### A Message from Chief Judge Kopf

On July 28, 2003, the United States District Court held its annual strategic planning meeting. I want to advise you of two things that came out of the meeting.

**Re: Gary McFarland, Clerk of Court**

Gary McFarland came to our court on July 31, 1972. He has thus served the Nebraska federal court for nearly 31 years. At the court's strategic planning meeting, our dear friend announced that he will retire as our Clerk on August 2, 2004.

Prior to his announcement, the court presented Gary with a framed general order ("In the Matter of Gary McFarland") recognizing and forever remembering his

magnificent service. The court also presented Gary with a crystal gavel and granite display stand as small tokens of our affection and esteem.

So, remembering his 31 years of service and his impending retirement, when you see Gary next please join us in congratulating and thanking him. We look forward to working with him during the coming year, all the while knowing full well that Gary's contributions to the ideals of justice have been and will continue to be unmatched.

*(Continued on page 4)*

## Frequently Asked Questions About PACER

*Information taken from the PACER Service Center website <http://pacer.psc.uscourts.gov/cmecf/ecfaq.html>*

### **What am I charged for in CM/ECF?**

Public users of the CM/ECF system are charged 7 cents per page for the results of your search on case specific information. Examples of case specific information are the docket sheet, the PDF copies of filed documents, and the cases report. Public users are not charged for filing documents using CM/ECF or for viewing calendar information. There is a cap of \$2.10 (30 pages) for a single document; however, this cap does not apply to docket sheets or reports. Each attachment in CM/ECF is considered a separate document. Therefore the cap will apply to each attachment over 30 pages separately.

### **How do I get my free copy of newly filed documents?**

Attorneys of record receive one free electronic copy of all documents filed electronically that are not sealed. Attorneys and parties will receive an e-mail message containing a hyperlink to the document filed. Use the hyperlink to view the document. The hyperlink will expire after the earlier of these two events: the first use or 30 days. Any time that same hyperlink is accessed after it has expired, the user will be asked for a PACER login and will be charged to view the document. All users are advised to print or save the document during the initial viewing period in order to avoid future charges.

Note that in Criminal and Civil Social Security cases you will always be asked to log in to CM/ECF and then PACER before you can view the documents. This is to ensure that you are an attorney of record on the case. You are not charged the first time you view these documents, even though you entered your PACER login. Watch for the receipt screen to determine if you are being charged.

### **What constitutes one page?**

For the pdf documents a page is a page, but when viewing docket sheets and other reports, a formula is used to determine the number of pages. Information extracted from the CM/ECF database, such as the data used to create a docket sheet, is billed using a formula based on the number of bytes extracted. For report data retrieved from the CM/ECF system that is printed, the print job

will not always match the number of pages billed. The number of pages printed is dependent on individual printer and browser settings. All users are charged equally for the same information regardless of the browser settings or printer configurations

### **What should I do if I am not getting my "free peek?"**

In the event that you are charged for accessing a document that should have been free, you should keep track of the occurrences.

When you receive your quarterly statement, send a written request for credit by mail or e-mail. The transactions for which the problem occurred should be annotated. A credit will be applied to your PACER account.

To obtain the detailed information for each search, you can login to "Account Information" at PACER's home web site, <http://pacer.uscourts.gov/>, and then "Review Transaction History." The information provided will be the date, time, case number, type of document (i.e. docket, image, etc.). As a suggestion, enter "Free Look" in the client code when you are asked to login to PACER, but feel it should be a free peek. This will also show in the transaction history. and may assist you in tracking the transactions.

### **How do I change my default PACER login?**

Once you are logged in as a CM/ECF filer, click on "Utilities." In Utilities, click on "Change Your PACER Login." Enter a new PACER login and password. You can change the default PACER login by checking the box "Make this my default PACER login." Once you associate a PACER login and a filer login, there is no way to unassociate the two without making another PACER login the default.

### **Where can I get more information?**

Visit the PACER website at <http://pacer.psc.uscourts.gov/>. The PACER Service Center is also available to answer your questions. They can be reached via e-mail at [pacer@psc.uscourts.gov](mailto:pacer@psc.uscourts.gov) or call (800) 676-6856 between 8 a.m. and 5 p.m. Central Time.

*The hyperlink for the free look expires after 30 days.*

## Electronic Public Access Focus Group Study

The District of Nebraska recently hosted a small focus group to study the effect of CM/ECF and PACER fees on attorneys' practices. Approximately twelve attorneys participated from around the state. Both the sole practitioner and the large law firm were represented. The meeting was very successful, and everyone learned something. The feedback from the meeting will be used by the Administrative Office of the US Courts when designing and implementing future releases of the CM/ECF software.



Some interesting questions surfaced during this meeting. All CM/ECF users will benefit from the answers.

### Which comes first, the filing or the fee?

When filing a new civil case electronically, the case opening documents should be saved in

pdf format and e-mailed to the court at one of the following addresses:

- newcases.omaha@ned.uscourts.gov
- newcases.lincoln@ned.uscourts.gov
- newcases.northplatte@ned.uscourts.gov

In the e-mail message, designate how you intend to pay the filing fee, i.e., credit card, check sent with a runner, check via mail, etc. If you are paying by credit card include a phone number in the

new case e-mail for a docket clerk to call and obtain your credit card number.

Regardless of how you pay, or which comes first, new cases are deemed filed the day the Clerk's Office receives the complaint and any required filing fee.

### I'm no longer the attorney on this case, how do I make the e-mails stop?

If you have been terminated as the attorney in a case, contact the Help Desk and ask to have notices stopped for that particular case.

If you file a document on behalf of an attorney who is assigned to the case, your name will be added to the case as an attorney of record. In this situation, you must first file a motion to withdraw as counsel. In the motion, request that electronic notices stop.

### Why can't I access documents in all criminal cases?

The Judicial Conference of the United States decided to restrict Internet access to documents in criminal and social security cases based on privacy concerns. These documents are only available via the Internet to the attorneys of record in the case. The Judicial Conference will revisit this decision during their September meeting. If any changes are made to the policy we will let you know. Case documents (except those under seal) can be viewed at the courthouse during regular business hours.

Notes from this meeting are available on our web site at

<http://www.ned.uscourts.gov/cmecf/>

## A Message from Chief Judge Kopf *(continued from page 2)*

### Re: Combining the Omaha and Lincoln Civil Dockets

During the strategic planning meeting, we had a spirited and lively debate among our judges. Ultimately, this is what we decided:

1. On or about August 1, 2003, we will add to the Nebraska docket: (a) cases in which the United States is the plaintiff; (b)

social security appeals; (c) pro se cases including habeas corpus cases (but excluding death penalty habeas corpus and 2225 motions); and (d) bankruptcy appeals.

2. At the court's July 2004, strategic planning meeting, we will reconsider whether to combine the Omaha and Lincoln civil dockets more broadly.

Thank you for your support.

UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF NEBRASKA

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We would love to have you share your thoughts, ideas and comments on CM/ECF with other attorneys. Please e-mail article ideas or guest columnist submissions to Luta Pleiss at [luta\\_pleiss@ned.uscourts.gov](mailto:luta_pleiss@ned.uscourts.gov).

We're on the web!  
[www.ned.uscourts.gov](http://www.ned.uscourts.gov)



## Keep Your E-mail Address Current

In today's technological world, e-mail addresses can change frequently. It is critical to keep your CM/ECF e-mail address current so that you continue to receive electronic notification in a timely manner.

You can access the e-mail address area of CM/ECF by clicking on Utilities...

Maintain Your Account...Email Information.

From this screen you can also choose to have multiple people receive e-mail notifications. Each person who receives an e-mail can view the document one time without incurring a PACER charge.

## CM/ECF Training Available in Omaha and Lincoln

If you have not yet attended a training session on CM/ECF, you might want to consider it. The training only takes a couple of hours and is chock-full of helpful tips and information that will make your transition to electronic filing as smooth as possible.

Training is offered once a month at each of the courthouses in Omaha and

Lincoln and as needed at the North Platte courthouse. Sessions run from 9:00-11:00 a.m.

Anyone is welcome to attend training and there is no cost involved.

To register, visit our website at <http://www.ned.uscourts.gov/cmecf/calendar.html> or call (402) 661-5998.