

Electronic Filing News

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CM/ECF Statistics

- **1860 Attorneys registered for electronic filing in US District Court in Nebraska**
- **20,000 cases on the CM/ECF system in Nebraska**
- **Attorneys filed 70% of their civil pleadings and over 50% of their criminal pleadings electronically in March.**

E-Government Act of 2002

To comply with the policy of the Judicial Conference of the United States and the E-Government Act of 2002, Pub. L. No. 107-347, effective April 16, 2003, filing parties shall omit or, where inclusion is necessary, partially redact the following personal data identifiers from all civil pleadings, documents, and exhibits, whether filed electronically or on paper, unless the assigned judge orders otherwise:

- Minors' names: Use the minors' initials;
- Financial account numbers: Identify the name or type of account and the financial institution where maintained, but use only the last four numbers of the account number;
- Social Security numbers: Use only the last four numbers;
- Dates of birth: Use only the year; and
- Other data as permitted by order of the court.

With leave of the court, a party may file under seal a document containing the unredacted personal data identifiers listed above. The party seeking to file an unredacted document may, but is not required, to file electronically a motion or application to file the document under seal pursuant to the E-Government Act of 2002. A motion or application not filed electronically shall be presented in conventional format to the chambers of the assigned magistrate or district judge along with a proposed order.

If the assigned judge grants the motion or application, the filing party shall then submit the unre-

dacted paper document to the Clerk's Office. The paper document must have a cover page or notation on the first page stating the following: "Document filed under seal pursuant to the E-Government Act." The court will retain this paper document as part of the record. In granting the motion or application to seal, the assigned judge may require the party to file a redacted copy for the public record.

The responsibility for redacting personal data identifiers rests solely with counsel and the parties. The clerk's office will not review documents for compliance with this rule, seal on its own motion documents containing personal data identifiers, or redact documents, whether filed electronically or on paper.

Please review the updated Civil and Criminal Administrative Procedures, along with the *Notice of Electronic Availability of Civil Case File Information*, which can be found on our CM/ECF web site at <http://www.ned.uscourts.gov/cmecf/index.html>.

Counsel is strongly urged to share the notice with all clients so that an informed decision about the inclusion of certain materials may be made.

The changes outlined do not apply to civil social security or criminal cases as remote public access is not available in those cases at this time.

District Court Web Site Contains Valuable Resources

If you have not taken the time to visit the District Court's website you may be missing out on valuable resources.

The website contains a section specifically devoted to CM/ECF information and resources. We have made available for download all of the materials that are handed out during training sessions, including a new "Scanning Tips and Scanner Comparison" guide.

We have implemented a new Frequently Asked Questions section for CM/ECF that is searchable and may help you find the answer to your CM/ECF question.

Our main website also has a link to a Forms page that contains several standard filing forms in PDF format.

Guest Columnists

A Day In the Life of an ECF Filing

by Mandi Lucas, Legal Assistant with Knudsen, Berkheimer, Richardson & Endacott, L.L.P.

June 2002 My day starts as a blank page of glaring white on a computer screen. Shortly after my inception in the mind of my creator, I am drafted, revised and finalized with little trauma. Then the fun begins. I am saved as a "PDF" file—"Pretty Dang Fun"—and begin preparations for being shot through cyberspace. The Being on the other side of the screen is looking a little anxious as she cautiously types in tidbits of information about me (without the flurry of typing to which I have grown accustomed). Before long I am named, located and described so an appropriate niche can be carved for me in my new home (the docket sheet). Shortly after I have been given my identity, I notice that The Being on the other side of the screen has one eye squeezed tightly shut



and the other eye squeezed down to a tiny slit and is mouthing "5... 4... 3... 2... 1..." In the same instant that she depresses the right click button of her mouse, I become a copy and am ripped from my quiet home on my home drive. I suddenly know how it feels to fly. After shooting through modems, cable lines and cyberspace and slamming up against fire wall after fire wall, I understand the reasoning behind the extension "PDF".

Afternote: This Certificate of Service now resides in the U.S. District Court CM/ECF system at Case No. OOCV 0000. The author of this Certificate of Service is currently working on her 51st filing and reports no continued feelings of anxiety with the system.

If you are interested in being a guest columnist, please e-mail
Luta_Pleiss@ned.uscourts.gov

Here to Stay

by Nancy Stewart, Legal Secretary with Knudsen, Berkheimer, Richardson & Endacott, L.L.P.

It's here to stay and time for all of us to adjust. Like many of you, we envisioned the failure of electronic filing so we could go back to our old ways (change is so difficult).

To make our lives easier we have found it essential to include our staff in the ECF process. In order to manage the hundreds of filings we encounter we have assigned all cases to a secretary and/or paralegal who now automatically receives each ECF filing. She then electronically files it in our computer system and makes a hard copy for our client file (just can't seem to give up all of the paper). She can then follow-up by sending copies to the client, docketing critical dates and any other steps your office may require, without you, the attorney, having to say or do a thing. Adding a party to your address is a simple procedure. (Select Utilities; Maintain your account; Email information; Check box marked "to these additional address" and add secretary/paralegal name; Submit) The added party will now receive a copy of every ECF filing that comes to you. The only drawback is that you cannot select which cases go to each added party. It's an all or nothing choice.

We have also found it helpful to have our staff handle the electronic filing of our pleadings in the Federal Courts. We continue to prepare the pleading as we always would, having the signature of the attorney placed on the pleading prior to staff electronically filing the document. This system has given both the attorneys and staff the protection of not having something filed improperly.

The use of our scanner and the filing of lengthy briefs and exhibits has been a learning process. If you have not done so, it is important that you experiment with your scanning software and find a system that works effectively for filing lengthy documents as well as original signatures. With ever changing technology, this process will likely improve as time goes by. The help desk has been tremendously helpful (and patient) as we have worked through the exhibit/attachment process as well as the many other questions we have had. Don't hesitate to refer your questions to them. They are a wealth of knowledge.

Scanning Tips

One of the most common calls that we receive at our help desk involves scanning documents. The most recent version of the administrative procedures states that documents over 2MB will not be accepted by the CM/ECF system. This means that when you scan your exhibits, affidavits, and other documents you must check your settings to ensure that your documents will be scanned at the smallest size possible.

We recommend using scanner settings of 200 dpi and either black and white or text image. It

is best to experiment with your particular scanner to see which image type produces the smallest PDF files.

Some common scanners and their image types:

- Canoscan – Black and White, under the Advanced Settings button
- Epson—use “Text-Image Only”
- HP-use “Black and White Bitmap”



Always enter your CM/ECF password first.

Login and Password Confusion—Here’s Help

When working with the CM/ECF system, you are dealing with two separate logins and passwords: one is your CM/ECF login assigned by the District Court in Nebraska, and the other is your PACER login assigned by the PACER service center in San Antonio. There has been much confusion over which login to use and when. Here is a helpful tip.

Always enter your CM/ECF password first. On the first screen that requests a password, use your CM/ECF login, this login contains your first and last initial and last four digits of your

social security number. Then if the system needs your PACER login, it will prompt you specifically for that information.

Following this procedure should help avoid problems with screens not appearing correctly and error messages saying you are not authorized to view a document.

NOTE: The CM/ECF login screen contains a message that says “If you do not need filing capabilities, enter your PACER login...” This is not always correct and can be ignored.

Spam Filters Wreak Havoc on E-mail Notifications

“Spam” is unwanted or unsolicited e-mail messages, also known as junk mail. The amount of spam making its way around the internet these days is increasing and has prompted several companies to create spam or junk mail filters to try to keep these messages out of peoples In-boxes.

One characteristic of e-mail messages that spam filters look for is your e-mail address not appearing directly in the To: field of the message. This causes a problem when you receive your Notice of Electronic Filing e-mails from the court because the CM/ECF system puts your



address in the BCC: field and therefore causes it to be flagged as a spam message or junk mail.

If you have a spam or junk mail filter on your e-mail, you should be able to create an

exceptions list. How to do this will vary with the type of filter you have. If you add ecf.notification@ned.uscourts.gov to your list of exceptions, your E-mail notices will bypass your spam filter and go directly to your mailbox where they belong.

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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.

We're on the web!
www.ned.uscourts.gov



Keep Your E-mail Address Up-to-Date

In today's technological world, e-mail addresses can change frequently. It is critical to keep your CM/ECF e-mail address up to date 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 here you can also choose to have multiple people receive e-mail notifications. Each person who receives an e-mail can view it 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 twice a month at each of the courthouses in Omaha and Lincoln and as needed at the North Platte courthouse. Sessions run from 9:00-11:00am and are held on the 1st and 3rd Wednesdays

of the month in Lincoln and the 2nd and 4th Tuesdays in Omaha.

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>