



Case Management

CM/ECF

Electronic Case Files

Fall 2004

CM/ECF Upgrade Coming Soon

CM/ECF Will Be Briefly Unavailable

Friday, September 17, 2004 - 12:00 noon
through
Sunday, September 19, 2004 - 12:00 midnight

We apologize for this inconvenience!

CM/ECF Reminders



- ! **Disclosure of Corporate Interests**
is to be filed with the first pleading or entry of appearance. The Disclosure should also include corporate parents - see Local Rule 3.1
- ! **Exhibits** which are larger than 10-15 pages or those which can't be scanned due to size must be submitted in paper format with the Notice of Exhibit Attachment electronically filed in place of the exhibit. See User Manual for more information.
- ! **Attorney Information Updates.** Attorneys must notify the Court in the event of the following:
 - S firm change
 - S address change
 - S phone/fax number change
 - S **email address change**
- ! **CM/ECF Hands-on Training Sessions.**
Training sessions are offered on Tuesdays from 10:00 am - 11:30 am for all attorneys and their staff. This can be taken as a "refresher" course also. The session is free, but pre-registration is required. Please contact the court.

Message from the Clerk of Court....

Whoever said that the only constant is change was exactly correct and the history of the District Court for Western Missouri since 1997 is a very real example. Many of you were with us then when as a "prototype" Court we put our first case into an electronic system which at that time was simply called ECF - Electronic Case Files. The CM - Case Management portion of the project came several years later and work continued to make the product more robust and more responsive to the needs of both counsel and Court staff in this new electronic world.

Just to give you some idea of how effective our joint work was on that early "prototype" here are some numbers as of the end of August in the year 2004:

- In Western Missouri we now have 67,000 plus cases held electronically.
- In Western Missouri we have 3,518 attorneys who have made at least one electronic entry on our docket.
- In Western Missouri we have handled 1,759,000 electronic entries onto the docket via CM/ECF or ECF

But the numbers nation wide are even more dramatic. Again, as of the end of August in the year 2004:

- Nationally we have had 3,731,000 cases handled electronically.
- Nationally we have had 64,938 attorneys who have made at least one electronic entry on an electronic docket somewhere.
- Nationally we have handled 87,951,000 electronic entries onto a docket somewhere via CM/ECF or ECF.

All of this is to say **THANK YOU** and look what you started. When we placed that first docket entry on the system in October of 1997 we knew we were on to something big, but it has surpassed even our wildest expectations. As a very nice unexpected outcome we have gotten to know many of you better in the process.

Please read this newsletter carefully as our CM/ECF Executive team has spent time trying to share with you some upcoming changes in the most precise way possible. And the change in this software will be constant as we all work to make it more useful both inside and outside the Courthouse. If you have questions about any part of the product, we stand ready to respond so please let us hear from you. And, again, **THANK YOU** for your willingness to come along into the 21st Century with the Federal Court.

Pat Brune

Upgrade Highlights and Policy Changes

! Notice of Endorsement

No longer necessary - Replaced by 12 day Rule. Pursuant to a change in the standing General Order, a non-filing signatory or party who disputes the authenticity, or their alleged endorsement, of an electronically filed document must file an objection to that document within 12 days of the generation of the Notice of Electronic Filing from CM/ECF.

For example, an attorney filing a jointly agreed upon document can use the /s/ convention for affixing the names of the non filing attorneys and the non filing attorneys will not have to file a notice of endorsement.

If however, an attorney files a document purported to be jointly filed and an attorney did not agree to the document it is the responsibility of the non filing attorney to file an objection to that document.

! Filing Complaints

Attorney will provide a complete and accurate civil cover sheet to the Clerk's Office when initiating a new case. **Attorneys should not submit the paper complaint or a copy of the complaint.**

If there are more parties/attorneys in the case then will fit on the standard civil cover sheet a supplemental page **must** be attached that includes the additional parties/attorneys.

An updated civil cover sheet can be found on the court's web site. The civil cover sheet can be provided to the Clerk's Office in person or by fax. If an attorney elects to send the civil cover sheet by fax they should contact the Clerk's Office to inform them it is being sent. The fax cover sheet should include the attorneys name, direct phone number, and email address.

The fax cover sheet should also include the credit card password as assigned by the Finance Department of the Clerk's Office. An attorney can get authorization to use a credit card for payment of the filing fee by completing the Credit Card Authorization form which can be found on the court's web site. It is only necessary to complete the Credit Card Authorization form once.

After the basic case information (parties, judge, case number) has been entered in CM/ECF by the Clerk's Office, the attorney will be notified of the case number so he/she can electronically file the complaint. It is responsibility of the attorney to electronically file the complaint and he/she is expected to do so immediately upon receiving this notification from the Clerk's Office. This includes the civil coversheet presented during late afternoon hours. **The submission of the civil cover sheet does not constitute the filing of the complaint (FRCP 3).**

! Sealed Cases and Documents Maintained Electronically

The court will begin maintaining sealed cases and documents electronically. Access to these cases and documents will be restricted and will only be available to persons designated by the judge assigned to the case.

An attorney wishing to file a sealed document must electronically file a motion seeking leave to file a sealed document. **The document for which leave is being sought must not be attached to the motion seeking leave as the motion will be a non sealed document.** The judge may want to view the document for which leave is being sought. If so, the attorney seeking to file the document will receive further instructions from the court. If leave is granted to file the document under seal an employee of the Clerk's Office will contact the attorney with instructions on how to appropriately file the sealed document.

! Procedure for Magistrate Consents

When a case is assigned to a magistrate judge at initial filing of the complaint the attorney filing the case will be sent a Notification of Magistrate Assignment. As other attorneys enter their appearance in the case the Notification of Magistrate Assignment forms will be sent to them. This form allows for the consent to proceed before the assigned magistrate judge. This form also allows the attorneys to request the case be assigned to a district judge. Upon completion of the form it should be sent by email to the address on the form. **It should not be electronically filed.** If all parties in the case consent to the magistrate assignment the returned notifications will be docketed and placed in the electronic file by Clerk's Office staff. If a party in the case requests assignment to a district judge the case will be reassigned, the returned notification forms will be maintained in a separate file and will not be docketed.

Hyperlinks

Hyperlinks **can** be used in electronically filed documents in the following manner:

- linked to other portions of the same document
- to a location on the Internet that contains a source document for a citation

Hyperlinks **may not** be used in electronically filed documents in the following manner:

- linked to other documents filed within CM/ECF
- linked to personal web sites, inclusive of law firms, etc...

Hyperlinks to cited authority may not replace standard citation format. Complete citations must be included in the text of the filed document. Neither a hyperlink, nor any site to which it refers, shall be considered part of the record. Hyperlinks are simply convenient mechanisms for accessing material cited in a filed document.

The court accepts no responsibility for, and does not endorse, any product, organization, or content at any hyperlinked site, or at any site to which that site may be linked. The court accepts no responsibility for the availability or functionality of any hyperlink. See the General Order for further information.



FEE SCHEDULE CHANGES

Effective **November 1, 2004**, the following fee schedule changes will be implemented in the Western District of Missouri.

These changes pertain to **Local Rule 83.5, Attorney Admissions:**

- Attorney Admissions Fees will be \$25.00 per year.
- Reinstatement Fees will be \$150.00. **(This includes attorneys who fail to pay their annual dues by March 31st.)**
- Pro Hac Vice Fees will be \$50.00 per case.
- Failure to pay the Annual Fee will result in a disabling of the attorney's CM/ECF password, if applicable.

F E E D B A C K

The Western District is seeking information regarding your usage of our internet site:

www.mow.uscourts.gov

Specifically in regard to information pertaining to attorney admissions, we would appreciate any questions, comments, or suggestions you might have so that we may make your interaction with the Western District a better one. Are you able to find the answers to your questions, the forms you need, and the information you are seeking with the click of a button? Please send your comments via email to: laura_bax@mow.uscourts.gov.

Coming Soon

Access to Criminal Documents via CM/ECF

Beginning November 1 individuals with PACER accounts will have remote access to view criminal documents which are filed after this date.

Updates.....

Please watch for updated versions of the following:

***General Order
Administrative Procedures Manual
CM/ECF Users Manual***

You may access the new versions via the CM/ECF web site.

