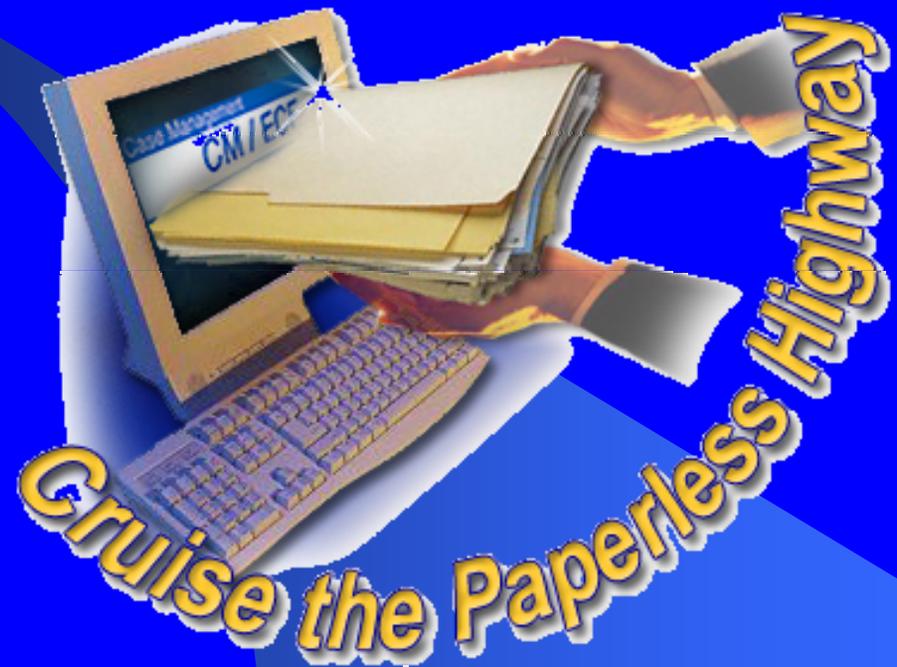


ECF

Electronic Case Filing

Best Practices Seminar



Cruise the Paperless Highway

ECF Project Update

- Largest project ever undertaken by the federal judiciary.
- Began 10 years ago in the Northern District of Ohio.
- In 2000 ECF began rolling out in all bankruptcy and district courts.
- As of November 2005 there are 91 Bankruptcy Courts live and 85 District Courts are live.

Objectives

By the end of the session you will:

- **Know how to avoid common filing mistakes**
- **Have answers to all your ECF questions**
- **Walk away with tools to make E-Filing easier**

Court Faculty

- Judge John R. Tunheim
- Wendy Osterberg, Chief Deputy
- Jennifer McDonald, St. Paul Division Manager
- Lou Jean Gleason, Minneapolis Division Manager
- Kristine Wegner, I.T. Training Specialist

Law Firm Faculty

Presentation Committee Members

- Chad Papenfuss – Fredrikson and Byron
- T.J. Ryan – Fredrikson and Byron
- Erin Oberdorfer - Dorsey and Whitney
- Lisa Guetter - Winthrop and Weinstine

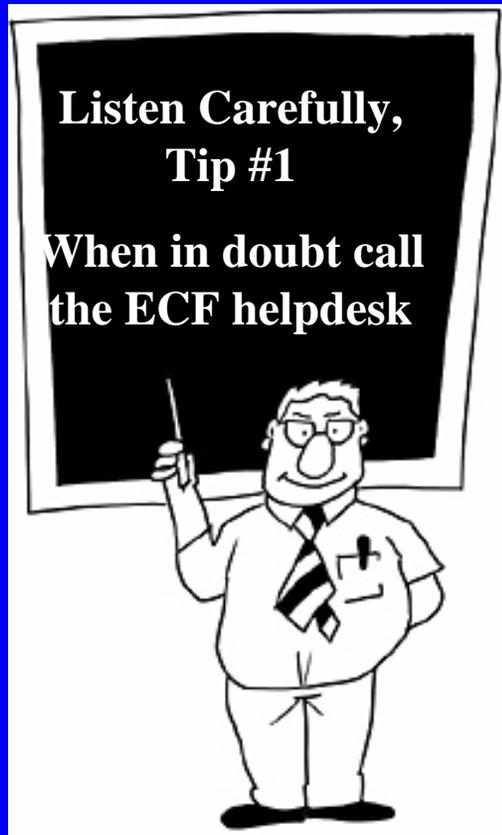
Law Firm Faculty

- **Busola Akinwale – Robins, Kaplan, Miller and Ciresi**
- **Charlotte Culbertson – Faegre and Benson**
- **Barb Gilles – Lockridge, Grindal, and Nauen**
- **Gayle Hildahl - Lindquist and Vennum**
- **Cheryl Johansen - Lockridge, Grindal, and Nauen**
- **Denise Meyer – Lindquist and Vennum**
- **Caron Pjanic – Greene Espel**
- **Heather Potteiger - Lockridge, Grindal, and Nauen**
- **Janette Riebe – Fish and Richardson**
- **Karen Hanson Riebel - Lockridge, Grindale and Nauen**
- **Barb Skarboe – Fish and Richardson**
- **Kate Spencer – Rider Bennett**
- **Constance White – Winthrop and Weinstine**



Judge John Tunheim

- ECF from a Judge's Perspective
- The Future of ECF
- Chair of the Court Administration and Case Management Committee



ECF Filing Tips for Attorneys and Support Staff

Filing Deadlines

“We cannot give legal advice”

- When filing conventionally, including sealed documents, the deadline is 5:00 p.m. on the day of your deadline
- Filing deadline for new cases is 5:00 p.m.
- Refer to the Federal Rules
- Refer to the Local Rules
- Read the ECF Procedure Guides

Two Filing Features

That are often confused

- LR 7.1 Word Count Compliance Certificate
- Certificate of Compliance with LR 37.1



Redaction and the E-Government Act

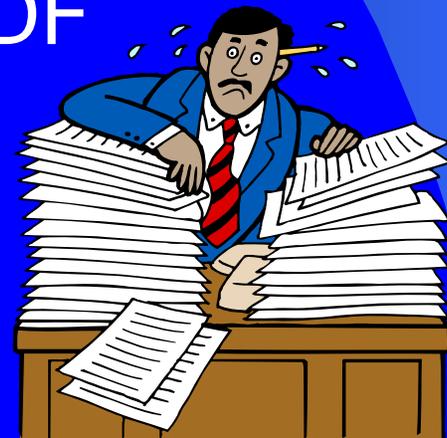
- Personal identifiers must be redacted from ECF filings, better yet don't use them:
 - **Minor names to initials**
 - **Social Security Numbers to last four digits**
 - **Credit Card Numbers to last four digits**
 - **Dates of Birth – year only**
 - **Home addresses in criminal - city, state only**
- What tools can you use to redact information?
- Read the procedures on the web

Combining/Linking Filings

- The following must be filed separately in ECF:
 - **Motion**
 - **Notice of Hearing**
 - **Memorandum**
 - **Affidavit**
- **Objections to Report and Recommendation**
 - Use “*Objections to Report and Recommendation*” (R&R) Event (Supporting Documents and Responses and Other Documents)
 - Forces link back to the R&R
- Call the helpdesk if you must link your filing to a document not yet posted on ECF or if you forgot to link the document.

Attachments & Large Exhibits

- Attachments and exhibits larger than two megabytes may be filed electronically in multiple two-megabyte segments.
- Create Index of Exhibits after the documents are converted to PDF
- Describe all attachments



Sealed Documents

- MUST have protective order to file under seal.
- Sealed documents MUST be filed by 5:00 p.m. the day of your deadline.
- Must still make the ECF filing for the sealed document using the conventional filing placeholder (in civil).
- Follow the procedure guide when sending the documents to the clerk's office.

Issues with Applications to File Conventionally

- Inadequate explanation of why conventional filing should be permitted.
 - Include the format of the information
 - Approximate number pages
 - **Explanation** as to why the documents cannot be filed electronically.
 - ECF is official court record. Make an argument as to why the documents cannot be part of the electronic record.
 - How many PDF documents will you need to attach.
- Confusion between conventional filing and filing under seal.
 - Even if have protective order OR instead of protective order

Time Out Issue

Attachments to Documents Screens

- Check time at start of the attachments to documents screen.
- After 20 minutes finish that attachment.
- Take note of the last document attached.
- Click on “Next” and finish filing.
- Go back to “Civil/Supporting Docs and Responses” and choose “Exhibit.”
- Browse and attach the next exhibit as main document.
- Choose “Yes” to attach additional docs.
- Finish with the rest of the exhibits.
- Link to the previous entry in ECF.

Adding or Deleting an Attorney from a Case

- Add to a Case
 - File a Notice of Appearance
 - File a document in a case
 - Signature appears on the signature block
- Remove from Case
 - File a Notice of Withdrawal
 - File a Notice of Attorney Appearance/Substitution
- Use the Queries feature to assist in listing the cases you must withdraw from
- Pro Hac Vice Attorney materials on the website

ECF

Summons Returned Executed

- Scan the original summons and use as the first page.
- Add the affidavit or return of service for each debt. Can make one document.
- File in ECF under Service of Process and select Summons Returned Executed from the drop-down menu.

Typical Technical Issues

- Be sure the PDF document is backward compatible with other versions of Adobe Acrobat
- Blank documents appear
- Check your scanner settings (DPI, black and white, text)
- Not all PDF files are created equally
- E-mail is down? How do you get filing information?

Miscellaneous Tips

- Menu break down list (in Utilities).
- Follow chambers instructions.
 - Trial documents (ECF, e-mail or both?)
 - Correspondence – Letters
- Need help after 5:00 p.m. call the Clerk's Office **BEFORE** 5:00 p.m. and ask for a Division Manager.
- Certificate of Service
 - File with each individual filing if filing only one filing at a time
 - File separately and link back to all the documents if filing multiple document.

Straight Talk from Chambers

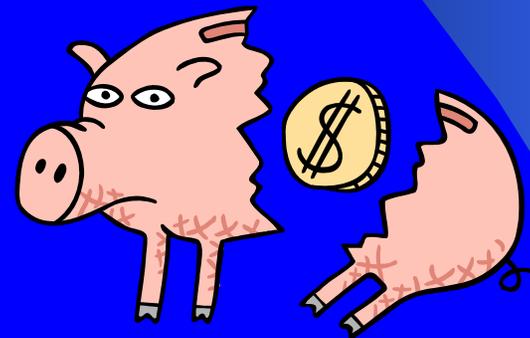
- One courtesy copy is required on all motions and related documents.
 - Motions, memorandums, affidavits and exhibits
 - Also look in the Pretrial Orders and Trial Notices for additional requirements
- Stipulations should be filed in ECF on behalf of all parties that sign the document.
 - E-mail proposed orders to the Judge ruling on the issue.
 - The Stipulation for Dismissal – Glitch

Straight Talk from Chambers

- Don't forget the courtesy copy.
- Chambers e-mail addresses are used for Proposed Orders unless designated for other documents by Chambers staff
- Quality control documents for signatures and dates.

Free Tools Just for You

- New Cases
- CourtWeb
- Written Opinions
- Transaction Log
- Public Terminals
- Court Announcements List



What's Up and Coming with ECF?

- Ability to search for all cases an attorney linked to, no matter what court
- Option to turn off the billable screens in PACER
- Color background change between ECF and PACER login
- Set-up e-mail noticing (primary and secondary) on a case by case basis
- NEF e-mail will include links to all documents filed, not just the lead entry.
- Pay.gov



ECF

Show us Your Stuff!

**Solutions to Making
ECF Easier presented by:**

**Chad Papanfuss
and T.J. Ryan**



ECF

Stump the “Experts”

Questions?



Thank You For...

- Asking questions
- Your suggestions and ideas
- Keeping up with of all the new ECF procedures
- Being flexible and adapting to change
- Making ECF a team project