

Questions during the Demonstrations

Last Updated on January 26, 2005

1. Who will receive logins and passwords?

ANSWER: Attorneys admitted to practice in the District of Minnesota will receive logins and passwords.

2. What is needed to convert a file to portable document format (PDF)?

ANSWER: There are a number of software programs that can convert word processing documents to PDF. Adobe Acrobat, pdf995, Fineprint pdfFactory, Jaws PDF creator, and higher versions of MS Word and Corel WordPerfect to name just a few. The court has no preference as to what software is used to convert the file as long as the document is legible.

3. When will ECF begin?

ANSWER: The court will begin offering electronic case filing to attorneys in May 17, 2004.

4. Will there be an on-line tool available to learn the CM/ECF program?

ANSWER: Web-based training modules are available on the CM/ECF website.

5. Will Pro Se filers and Pro Se prisoners be able to electronically file documents?

ANSWER: Pro Se Prisoners will not be able to file electronically, but the clerk's office staff will scan and post their documents to the system. Pro se filers may request a login & password. (Updated on March 26, 2004)

6. Will customers still be able to file and serve in the paper format?

ANSWER: When ECF is live for attorneys on May 17, 2004 all documents will be posted to the system electronically. If a party is unable to file using ECF, they must apply for an exemption, which will be reviewed by the assigned Magistrate Judge. Instructions and a form for requesting opt-out privileges will be posted on the court's web site and will also be included in the ECF procedures guide. Attorneys must have just cause for making the request. Paper will still be accepted by parties who are unable to

file electronically, in sealed cases (until this feature is enhanced), and for voluminous exhibits. ECF Procedures Guidelines will be available on the website in April and will provide further information. (Updated March 26, 2004)

6. Is there a charge to use the hyperlink that is provided in the e-mail notification?

ANSWER: The first visit to the hyperlink by the attorney will not result in a charge. All additional visits will result in a PACER charge. (\$.08 per page with a \$2.40 max).

7. Will attorneys need to obtain a PACER account before using CM/ECF?

ANSWER: Yes. Attorneys should obtain a PACER account by visiting the PACER website at: <http://pacer.psc.uscourts.gov/register.html>

8. Will it be mandatory for attorneys to use ECF?

ANSWER: Electronic Case Filing will be the standard way of doing business with the District of Minnesota. Unless parties can show cause as to why they cannot file electronically, they will be expected to file documents with the court using ECF.

9. Should attorneys think about purchasing scanners?

ANSWER: Possibly. Most documents can and should be converted from a word processing application to PDF without the use of a scanner. Scanners can be used for non-electronic exhibits and documents that require third party signatures (see future rules on this topic.)

10. Will the court set a standard for electronic documents being legible and readable?

ANSWER: The court will set standards for documents being legible and will verify they are being received in this manner during the quality control process performed by clerk's office staff.

11. How are initiating documents and fees handled?

ANSWER: Case opening procedures are not built into the ECF system. The court will request that filers e-mail PDF versions of documents (civil coversheet, complaint, or removal to a general e-mail address) to a new cases e-mail box (the exact address will be included in the Procedures Guides). The clerk's office will assign the case and post the PDF versions of the documents to the ECF system for the filer. Attorneys may also send a disk with their pdf documents, or may mail or courier initiating documents to the Clerk.

The Court will implement credit card payment in the near future. An attorney will send a fax authorization to the clerk's office to approve the \$150 charge to the card, along with

the credit card number. Watch the web site for additional information. (Updated on March 26, 2004)

12. How will ECF effect the filing of dispositive motions?

ANSWER: Effective January 1, 2004, Local Rule 7.1(b) was revised and implemented regarding dispositive motion practice. Parties will no longer fully brief their motions before filing with the court. Each party will file their own documents according to the briefing schedule outlined in the rule, or according to the timeframe directed by the Judge.

13. What type of software is needed to run CM/ECF?

ANSWER: CM/ECF is a web-based system and only requires that participants access the site by using a compatible web-browser such as Netscape Navigator or Internet Explorer.

15. How are sealed cases handled?

ANSWER: With the current software available to the courts, sealed cases and sealed documents are not included in the electronic record other than a notation made that a sealed entry has been made. Future versions of the software will include enhanced sealed cases functionality. Sealed documents will be filed conventionally with the Clerk and the clerk's office will post a slip sheet as a placeholder in the electronic file that indicates the existence of a sealed document in the clerk's office. It will merely say "CONVENTIONAL FILING, SEALED AND SEPARATE." (Updated March 26, 2004)

16. Should law firms use MS Word or Corel WordPerfect?

ANSWER: Either word processing option is fine. When posting information to ECF the information must first be converted to PDF so the original software application is not pertinent. When sending chambers proposed orders in the proposed new rules, the court will be asking attorneys to send chambers a document in Word or Word Perfect format depending on the preference of the chambers.

17. Can attorneys use the encryption tools or password protection available with Adobe?

ANSWER: No. PDF files cannot be posted to ECF if they have any of the encryption or passwords added to them.

18. Who receives the automatic e-mail notification?

ANSWER: The e-mail notification goes to the e-mail box of the registered attorney(s) of record (whatever e-mail box they designate) and it can also go to one back-up e-mail boxes. Often times this is a legal assistant, paralegal or a home e-mailbox.

19. What about paper filings? What will the clerk's office do with the paper?

ANSWER: The clerk's office anticipates receiving paper filings from parties who are granted exemptions from using ECF and from other groups who are exempt as set forth by the District Court Bench. The court will keep all paper received and create a paper file. The clerk's office will scan the documents and post them on ECF – the official Court record.

20. What about paper that has already been filed with the Court? What will happen to those paper files?

ANSWER: The court will not go back and scan previously filed paper documents for pending cases. Users may see live hyperlinks to Orders that have previously been scanned and sent to counsel via fax or e-mail noticing. Those Orders were successfully imported into the new system.

21. Will the Bankruptcy court electronic case filing be a separate system?

ANSWER: The District Court and Bankruptcy Court ECF systems are distinct and reside on separate servers. There is no plan to integrate these systems.

22. Will the affidavit of service be replaced?

ANSWER: Parties will still need to file Affidavits of Service.

23. Does the court offer any advice on document management?

ANSWER: The court just completed training for clerk's office and Chambers staff on file management. It is highly recommended that law firms take time to discuss document/file management with their staff so that the correct versions of documents are posted to the electronic case filing system.

The court does not currently use any document management software to manage files. Many law firms do use this technology. The court cannot recommend a particular product to external customers.

24. Will Court staff have the same hours of operation as the system availability?

ANSWER: No. The system will be made available 24 hours with downtime each evening from 1:00 a.m. to 3:00 a.m. for system back-ups. The clerk's office help desk support will be from 8:00 a.m. to 5:00 p.m. Parties and attorneys wishing to file after 5:00 p.m. do so without helpdesk support.

25. Will the Minnesota login work in other jurisdictions?

ANSWER No. There is no link between our system and other District Court electronic case management systems.

26. How will the noticing of orders work in CM/ECF?

ANSWER: If attorneys are registered to receive service and electronic notice by the court, all court-generated documents, including orders will be sent by e-mail to the attorney of record and two back-up e-mail addresses.

27. Does it matter what PDF software law firms purchase?

ANSWER: There are a number of programs that can be purchased to convert electronic documents to portable document format (PDF). The court currently does not recommend one version of software over another. Be sure the specifications of the software meet searching and other capability that the firm may also desire.

28. How will service be accomplished with conventional filings?

ANSWER: The same as it is now.

29. Will some processes still be done on paper?

ANSWER : Serving the summons and complaint, filing large exhibits, sealed documents, and various criminal documents will still be handled in paper and scanned to the system if possible. The procedures guides will outline how to request to file large exhibits and sealed documents conventionally, as well as details about administrative records.
(Updated March 26, 2004)

30. How do we know who is participating electronically on a case?

ANSWER: Inside the Utilities menu option in CM/ECF there is a miscellaneous option to view mailing information. Attorneys can look at this information to see who is receiving service electronically and who is receiving service conventionally.

31. Will there be a separate login and password for PACER and CM/ECF?

ANSWER: Yes. The systems will require two separate logins and passwords. The CM/ECF program will allow attorneys to change their password using the Utilities option.

32. What should the encryption level be set at within the browser?

ANSWER: The encryption level is 128 bit.

33. How will large attachments be handled using ECF?

ANSWER: The court wishes to have as much of the official court file in electronic format as possible. There is a 2 mb file limit for all postings. If any document is larger than 2 mb, it will need to be split into smaller parts and filed accordingly. ECF will allow users to describe their filings in detail (e.g. exhibits a through d) so the Court will understand what is contained in each file. The ECF procedures guide will provide further guidance on this topic. (Updated March 26, 2004)

34. Who will be responsible for mailing the hard copies to those not on ECF?

ANSWER: The party who makes the filing should print a hard copy of the electronic file and serve the party with the printed version of the electronic documents. For example, if it is a court order, the clerk's office will assume the responsibility to print and send that document to non-ECF participants. If it is a motion or other attorney pleading, it is the responsibility of the filing attorney to serve the other parties. (Updated March 26, 2004)

35. How will notification affect the time line for deadlines?

ANSWER: See the Federal and Local Rules regarding deadlines. Any document due on a date may be filed as late as 11:59 p.m. to be considered timely. (Updated March 26, 2004)

36. What kind of archiving system does CM/ECF have?

ANSWER The Administrative Office of the United States is currently working on archiving standards that meet the guidelines of the National Archiving and Records Administration. Currently the new and closed cases will all still reside on the CM/ECF server.

37. If the Court allows the usage of credit cards to be used for filing fees, can a firm use a client's credit card?

ANSWER: This is between the attorney and their client. (Updated March 26, 2004)

38. Will the new cases mailbox be secure?

ANSWER: The court uses Lotus Notes which as a high level of security. The court does not use encryption with its e-mail. The court will not use this e-mail box except for the exchange of documents. It will not be used for the sharing of credit card numbers and other compromising information.

39. Will the civil coversheet be made available on-line?

ANSWER: The current PDF version of this document is available on our external website beneath the forms link. This document will soon have on-line form fields so it can be completed on-line in Adobe Acrobat Reader.

40. Can only the attorneys on the case file a document?

ANSWER: If another attorney in the firm wishes to file a document in the case on which they are not an attorney of record, they must ask the court to add them to the case. If a legal assistant wishes to file the electronic documents for the attorney, the attorney can share their login and passwords with them as long as the attorney understands that he/she is ultimately responsible for the filing or misfiling.

41. When the case is closed will it still be available on-line for viewing?

ANSWER: Yes. There are no archiving procedures in place.

42. What will appear on credit card bills?

ANSWER: If you charge a case filing fee, the bill will show "U.S. District Court Clerk." It will not include case specific information. Firms will need to implement their own quality control systems to track the billing for clients. (Updated March 26, 2004)

43. What happens if there are e-mail problems and the party does not receive the document?

ANSWER: If the e-mail is rejected by the attorney's server, a bounce back e-mail is received by the court. The court will research into bounce backs, but it is the responsibility of the attorney to keep his/her e-mail address up to date in the system. Attorneys with small file size limits in their e-mail inbox should be sure this doesn't prohibit their electronic notification.

44. Will the documents be secure on the server so they cannot be modified or changed?

ANSWER: Absolutely. The documents cannot be altered in any way on the server.

45. In the e-mail notification, will it show the e-mail address of the attorney receiving the notification?

ANSWER: Yes, it will show the e-mail address on the notice of electronic filing.

46. When will training begin for attorneys and support staff?

ANSWER: Attorney and support staff training begin on March 22. Information is available on the court's web site regarding dates and registration. (Updated March 26, 2004)

47. How will the court accept filings from out of state counsel?

ANSWER: The court will allow PHV attorneys to use ECF. They should request a login & password by calling the help desk at 1-866-325-4975 or e-mailing ecfhelpdesk@mnd.uscourts. (Updated March 26, 2004)

48. If the deadline is 24 hours, does that mean the deadline for filing a document the same day is 11:59 p.m.?

ANSWER: Yes. The court does not recommend that attorneys wait and file documents late in the day as there not be any Clerk's Office support if questions arise for the filer. We recommend allowing ample time for filings.

49. Is there a location that attorneys can visit on-line to see what other courts are currently using CM/ECF?

ANSWER: Yes. The court has a link on its CM/ECF link for attorneys to use and view other courts websites that are using CM/ECF. This link may not have every court, but it includes many of the live courts.

50. What happens if the attorney needs to look at a document more than once?

ANSWER: The attorney will be charged for viewing documents in PACER every time they access that document after the first free peek. If there is a technical failure that prohibited the attorney from properly receiving the free peek, the court will have a procedure for obtaining another free viewing of the document. Watch the website for further information.

51. Do you need a PACER Account to view just a docket sheet?

ANSWER: Yes.

52. What about the exceptions to ECF filers? Will their documents be scanned and made available electronically?

ANSWER: Yes. The court will scan document received in paper and post them electronically in ECF.

53. How will sealed documents be handled in ECF?

ANSWER: Currently sealed documents will be filed in a conventional manner and not be made available on-line. When the court does make sealed documents available on-line they will be accessed only with appropriate security levels maintained by the user's login and password.

54. How will third party affidavits be handled?

ANSWER: This procedure is still being discussed. The CM/ECF Advisory Committee made a recommendation on March 24 that will be forwarded to the Executive Committee of the Court. (Updated March 26, 2004)

55. Can law firms receive the PACER bill in an electronic format?

ANSWER: Yes. You can receive the bill as an e-mail attachment.

56. The ERS system that Bankruptcy uses includes a checklist before submitting the filing to ensure all the documents are attached. Will there be a similar feature built into ECF?

ANSWER: Just before submitting a document, the system allows the user to review the docket text, selections and number of attachments.

57. Is there a time line for when the free peek expires?

ANSWER Yes. 30 days. The Administrative Office is considering shortening this period to 15 days.

58. Can the e-mail back-up be different on each case?

ANSWER No. It can only be set-up based on the attorney login not the cases.

59. Will the firm get a general login and password for CM/ECF?

ANSWER No. Each attorney must have a separate login and password to CM/ECF. In contrast, PACER logins and passwords may be used firm wide if set up that way.

60. What if there is more than one attorney at the firm on the case? How are the login and passwords handled?

ANSWER: Each attorney must be a registered attorney on the case and have their own login and password.

61. Will electronic case filing be mandatory? Attorneys are saying that if they opt out they will have three extra days for service.

ANSWER: Electronic case filing is the new standard way of doing business with the District Court. Attorneys can only opt out if they show just cause for not using the system. There are specific rules regarding electronic service that are in the Federal Rules. Using ECF still allows you the "3 day rule." (Updated March 26, 2004)

62. Are there other law firms we may contact for further information/input on ECF issues? Small, medium and large firms.

ANSWER: We are researching this issue.

63. Does the court have a helpdesk available to handle questions prior to the implementation date?

ANSWER: Yes. The helpdesk number is 1-866-325-4975.

64. Will the court require documents to be posted in specific order?

ANSWER: Yes, in posting motions, you will need to post the motion before the notice of motion. The specific regarding this practice will be included in the ECF Procedures guides. (Updated March 26, 2004)

65. How will discovery documents be handled?

ANSWER: Whatever discovery documents you do or do not file with the Court, remains the same, according to the Rules.

66. How will the processing of summonses be handled in ECF?

ANSWER: These documents cannot be processed electronically. They must be processed in the conventional format, scanned and posted to the electronic case filing system.

67. Will training be mandatory to receive a login and password? If so, does the Bankruptcy ERS training count?

ANSWER: Training will not be made mandatory. It will be optional and will be delivered beginning in March 2004. The ERS training the Bankruptcy Court offers and ECF training the District Court will offer are very different and it is suggested that you attend the ECF training. Training will provide attorneys with CLE credit and will last two hours.

68. Nebraska requires the removal of personal identifiers. Will you do the same?

ANSWER: Yes. The E-Government Act of 2002 requires the removal or redaction of personal identifiers on all court filings. Parties may file a non-redacted copy with the Clerk under seal.

69. Attachments are currently in hard format, must attorneys scan the documents?

ANSWER: Yes. The electronic case file is the official court record. The court wants everything made available in electronic format that meets the guidelines set forth by the ECF procedures guide.

70. Bankruptcy Appeals who is responsible for getting the information from the ERS system to the ECF system? Can this be accomplished electronically?

ANSWER: We are researching this issue

71. What about confidential settlement papers that are currently sent to the Judge? Will they be electronically filed?

ANSWER: No. The same procedure currently in place for handling confidential settlement papers will continue to apply.

72. How will joint reports be handled in ECF?

ANSWER We are researching this issue. (Updated March 26, 2004)

73. Will the Judges want courtesy copies of documents?

ANSWER Yes. *When an attorney files motions, responses, or reply briefs on ECF, they must also provide the Judicial Officer with one (1) paper courtesy copy of the motion and all supporting documents (affidavits and exhibits).*

*The courtesy copies should be **mailed or delivered** to the Judge or Magistrate Judge in an envelope addressed to the Judge's calendar clerk **contemporaneously with the documents being posted on ECF**. This rule will apply to dispositive and non-dispositive motions.*

74. Will the system include the days for speedy trial cases?

ANSWER: We are researching this issue.

75. Can service be accomplished in ECF on case initiating documents?

ANSWER: No, attorneys must serve the summons and complaint conventionally.

76. Have there been incidents where the system has been compromised or hacked?

ANSWER: No. It is very secure.

77. Does ECF have any effect on current PACER accounts and how they are shared inside a firm?

ANSWER: No. The attorneys can still share the PACER accounts; they just cannot share their ECF accounts. Attorneys must get a PACER account prior to using ECF, as it is a necessary component of the system.

78. How are briefs with exhibits and attachments handled?

ANSWER When filing in ECF there is an attachment option that can be used to attach additional documents to the filing.

79. How will ex-parte documents be handled?

ANSWER: We are researching this issue.

80. How will search warrants be added to the ECF system?

ANSWER: We are researching this issue.

81. How will notices to Probation be handled in ECF?

ANSWER: Probation has indicated which events they wish to be noticed on. They receive e-mail notifications in criminal cases. (Updated March 26, 2004)

82. Can any attorney access any other cases?

ANSWER: Using the PACER system (for the PACER charge) attorneys can view the docket sheet and all non-sealed civil and criminal filings

83. Will the Judges still be providing calendars to court agencies via hard copy or will this be made available in ECF?

ANSWER: Chambers will continue to provide the agencies the calendars in the format they current provide them in. It is something that may be built into the system in future versions of the software.

84. How long will the court keep records on-line?

ANSWER Currently there is not an archiving procedure in place so all court files will be available on-line for a long time. Law offices can also keep their own electronic and hard copy versions of the court records.

85. How many pages in a word processing document convert to 2.0 mb which is the proposed limit for attachments?

ANSWER An electronic version of a document may convert differently depending on how the file is converted and what is contained in the file. This equates to approximately 80-100 pages of pure text converted to a PDF file.

86. When does the time stamp appear on filing?

ANSWER: The time stamp only appears on the Notice of Electronic Filing. The final time reflects the time it was posted not started.

87. Will the court provide a certificate to be placed on the ECF system indicating something has been conventionally filed?

ANSWER: Yes. This form will be made available to attorneys and support staff.

88. Can customers tell how large the documents are before they are opened in PACER and the charge incurred?

ANSWER: Yes with attachments. It usually lists how many pages a document is. The PACER charge is \$.08 per page but there is a cap of \$2.40 per document. One page equals 54 lines of text. See the PACER web site for additional information on how pages are charged. (Updated March 26, 2004)

89. When being served by e-mail, is there anyway to tell the system you are away and will not be receiving e-mails?

ANSWER: Attorneys can change their e-mail address at any time using the Utilities menu option and change the main e-mail receiver to an assistant. The system cannot hold the e-mails or such while attorneys are out of the office.

90. Is it possible for attorneys to receive notices electronically but not service?

ANSWER: No. All notices and service will be accomplished electronically.

91. What if I forget my attachment, can I go back in and attach it?

ANSWER: No. There is not an edit feature built into the software. You would contact the CM/ECF helpdesk and they would assist in attaching the additional document or do a separate filing.

92. When the attorney or assistant is in the last screen and ready to post the documents to the court server, does it indicate if there is an attachment in the filing?

ANSWER: Yes. It lists how many attachments have been added. This is a good quality control feature built into the system for attorneys.

93. Does an entire filing or package need to be filed under seal or can just one document be filed conventionally under seal?

ANSWER: The court has not finalized how to handle the processing of sealed documents.

94. Do courtesy copies need to be sent in the same manner as they are now? Books and other additional ways they are typically organized?

ANSWER: Yes.

95. If something is filed in error and it contains private information, can it be removed from the case file?

ANSWER: If the information is filed in error in the correct case, the attorneys can seek relief from the court to have the information removed from the record. Keep in mind that the Notice of Electronic Filing does however go out immediately and the other party may have seen the information already.

For further information and updated on CM/ECF in the District of Minnesota, please visit www.mnd.uscourts.gov