



UNITED STATES DISTRICT
COURT FOR THE DISTRICT
OF COLUMBIA

ECF NEWS from the Nation's Capitol

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ECF INFO:

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"ECF News from the
Nation's Capitol" at:
[http://
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ECF-Newsletters.html](http://www.dcd.uscourts.gov/ECF-Newsletters.html)

Multi-Defendant Cases

There appears to be some confusion on how to properly file a document in a criminal case that contains more than one defendant. Many times, all of the defendants are incorrectly chosen when the filing only pertains to one defendant. This kind of error in a multi-defendant case creates a whole bunch of problems and error follow-up, particularly when it comes to motions and excludable Speedy Trial time.

When a criminal case number is entered into ECF (i.e. 08-cr-255), a list of matching case numbers along with all of the defendants in the criminal case and their individual defendant numbers (i.e. 08-cr-255-1, 08-cr-255-2, etc.) comes up:

Criminal Case Number
1:08-cr-255

Select a case:

1:08-cr-00255-PLF USA v. MOUSE et al

1:08-cr-00255-PLF-1 MICKEY MOUSE

1:08-cr-00255-PLF-2 DONALD DUCK

1:08-cr-00255-PLF-3 GOOFY

1:08-cr-00255-PLF-4 PLUTO

If you click in the box next to the MAIN case number (e.g. 08-cr-255), the check boxes next to each defendant and their individual case number becomes "ghosted," and the document will be filed by, or with regards to, ALL of those defendants:

Criminal Case Number
1:08-cr-255

Select a case:

1:08-cr-00255-PLF USA v. MOUSE et al

1:08-cr-00255-PLF-1 MICKEY MOUSE

1:08-cr-00255-PLF-2 DONALD DUCK

1:08-cr-00255-PLF-3 GOOFY

1:08-cr-00255-PLF-4 PLUTO

Frequently, however, the document only pertains to one or two defendants in the case. Therefore, it is very important that you only

click in the box(es) next to the defendant(s) the filing is in reference to. In this example, the filing is filed by, or pertains to, the second named defendant, Donald Duck, or 08-cr-255-2:

Criminal Case Number
1:08-cr-255-2

Select a case:

1:08-cr-00255-PLF USA v. MOUSE et al

1:08-cr-00255-PLF-1 MICKEY MOUSE

1:08-cr-00255-PLF-2 DONALD DUCK

1:08-cr-00255-PLF-3 GOOFY

1:08-cr-00255-PLF-4 PLUTO

Or in this example, the first and third defendants, Mickey Mouse and Goofy, or 08-cr-255-1 and 08cr-255-3:

Criminal Case Number
1:08-cr-255-1,3

Select a case:

1:08-cr-00255-PLF USA v. MOUSE et al

1:08-cr-00255-PLF-1 MICKEY MOUSE

1:08-cr-00255-PLF-2 DONALD DUCK

1:08-cr-00255-PLF-3 GOOFY

1:08-cr-00255-PLF-4 PLUTO

It is also important to note that this rule of thumb is applicable to both defense counsel and Assistant U.S. Attorneys. Although the filing party may be the USA, the AUSA must also select only the defendant that his or her document pertains to (i.e. if a Motion to Continue Sentencing regarding Goofy is filed, only the check box/defendant number for Goofy should be selected, 08-cr-255-3).

To recap, the box next to the main case number should only be checked when/if the document applies to ALL defendants. Otherwise, select the individual defendant. If the defendants are chosen incorrectly when the document is filed, the docket entry will be "entered in error" and counsel will be asked to refile the document.

Document Restrictions

There are a number of criminal documents that can be filed in ECF but are only viewable by a select group of people. The following is a list of these docket entries and those who are able to view them:

1. Probation Memorandum (Court users, probation office, and attorneys in the case)
2. Probation Petition

(Court users, probation office, and attorneys in the case)

3. Draft of Presentence Report (Court users, probation office, and attorneys in the case)

4. Final Presentence Report (Court users, probation office, and attorneys in the case)

5. Statement of Reasons (Court users ONLY)

In order to view these documents, attorneys who are part of the case must first open and log in to ECF before clicking on the document hyperlinks in the Notice of Electronic Filing emails. If ECF is not open first, attorneys will not receive their one “free look” at the document.

Listserv Notices Retooled

Beginning in November, there will be changes to how filers (and their staff) receive notification of ECF maintenance, updates, and news.

The current system for receiving these types of email notification involves what the court calls a listserv. The listserv allows for one email to be sent by the Clerk’s Office to all those who have signed up to receive such notification. This way of communicating ECF outages due to maintenance, or other changes in procedure, has worked but is deficient

The problem with the listserv is that signing up for it is not a requirement, nor does it happen automatically when a person registers for an ECF login and password. Using the listserv involves going to a link on our internet site and signing up for it. But not everyone signs up. Therefore, important ECF news and updates do not reach every possible filer.

Other courts have adopted a procedure that

allows for a “mass mailing” to be sent to every registered ECF user, without requiring sign up or voluntary registration. The Clerk’s Office for the U.S. District Court for the District of Columbia will adopt this same procedure and will discontinue use of the existing listserv beginning **November 1st**.

How will this affect you? Well, for all registered ECF attorneys/filers, you won’t have to do anything. By being a registered user, you will automatically receive all mass mailings. The change will mostly affect the secondary administrative staff who may have been registered for the listserv as well (i.e. secretaries, paralegals, administrative assistants, etc.).

Because secondary staff will not be registered users in ECF, they will not automatically continue to receive email notification. Instead, they will have to link themselves to their employer’s ECF account as a secondary recipient to receive Notices of Elec-

tronic Filing (NEF) in all cases that the registered user is involved. This, in turn, allows for the secondary staff to also receive mass mailings regarding ECF outages and news.

For those who are not already linked to a registered user’s ECF account as secondary recipients, follow these instructions to begin receiving ECF updates beginning November 1st:

» Login to ECF using a registered user’s login and password (with permission of course!).

» Select **UTILITIES** from the blue menu bar.

» Click **Maintain Your Email** under the **Your Account** menu.

» Click **[Add Additional E-mail Address]**.

» Add the appropriate email address and click either **[Add Additional E-mail Address]** to add additional recipients, or **[Submit]** if finished.

PLEASE NOTE: Registered ECF users, *cannot* unsubscribe to mass mailings.

LEARN MORE!
ECF Training is available for attorneys and their staff at the courthouse.

For more information, visit our website at: www.dcd.uscourts.gov

Transcript Policy Update

In the last issue of “ECF News from the Nation’s Capitol” (April 2008), a new policy was discussed which would make transcripts available electronically via ECF and PACER. On May 19, 2008, in compliance with the Judicial Conference Policy, the new transcript procedures went into effect for the U.S. District Court for the District of Columbia. Here is a brief recap of the policy and checklists on what attorneys need to look for.

Official Court Transcript Filing Procedure:

The official court transcript will be filed in ECF by the court reporter and all filing users in the case will receive a Notice of Electronic Filing. For a period of 90 calendar days, the transcript will be restricted in ECF to court users, public terminal users, attorneys who have purchased a copy from the court

reporter and others as directed by the court. The general public may also purchase copies from the court reporter during this period.

All filed transcripts are subject to redaction of personal identifiers as identified by counsel of record or parties to the case. If applicable, the redacted transcript must be filed by the court reporter within 31 days after the filing of the original transcript.

Charges for access through PACER will accrue for the entire transcript (there is no 30-page cap) during and after the 90-day restriction period. After the 90-day period has ended, the filed (or redacted) transcript will be available to the public for inspection and copying in the Clerk’s Office as well as through ECF and PACER.

Redaction Requirements:

Attorneys and parties in the case

must review the transcript for redaction of these personal identifiers:

- Individual’s Social Security Numbers
- Names of minor children
- Financial account numbers
- Dates of birth
- Home addresses in criminal cases

Attorneys and parties in the case must review the following portions of the transcript:

- Opening and closing statements made on the party’s behalf
- Statements of the party
- Testimony of any witnesses called by the party
- Any other portion of the transcript as ordered by the court

For more information on this transcript policy, please visit our website at www.dcd.uscourts.gov.

New QC Notices

If you’ve made a filing error recently, you may have noticed that there is a new notice being posted to the docket. This notice is one of the newest features within the steps case administrators take while performing daily quality control (QC) of ECF events entered by attorneys.

The QC notice (See Figure A) is generated by the case administrator from within ECF and will generally take the place of the more familiar “Notice of Corrected Docket Entry” (See Figure B), though the latter notice may still be used from time to time.

Attorneys should treat both notices the same and must follow up as directed in the docket text of the notice, if applicable. There is a list of generalized/standard error choices that the case administrator may choose from (i.e. Document incomplete/illegible, Incorrect event used, etc.), as well as an “Other” category in which they can add

additional or alternative directions. The notice will also indicate whether the document needs to be refiled or not, so please be sure to read each one closely.

Figure A

NOTICE re [137](#) Errata; emailed to jsmith@gmail.com, cc'd 9 associated attorneys -- The PDF file you docketed contained errors: 1. Document title does not match docketed event, 2. Please refile your Declaration with an Errata that has a caption and case number on it. (ks,)

Figure B

NOTICE OF CORRECTED DOCKET ENTRY: re [13](#) Status Report, was entered in error and counsel was instructed to refile said pleading using the proper ECF event to file a Meet and Confer Statement. (tg,)



**ECF 4.0
COMING
SOON!!!**

Problems Viewing PDFs

Since the upgrade to Version 3.2.1, some ECF users have had problems opening and viewing PDF documents. The main problem appears to be with Adobe Acrobat.

When you use Internet Explorer in combination with Adobe Acrobat, the PDF document may not open. While the message at the bottom of the browser windowpane says "Done," the PDF isn't visible – you get a blank screen. The link between the two programs may be broken. To correct the problem, choose one of the following:

1) If you want Adobe Acrobat to open separately when viewing a PDF with Acrobat 6 or lower: Open Adobe Acrobat, select Edit, Preferences, General. On the left pane, select Options, and uncheck the box called "Display PDF in Browser." Then click OK.

2) If you want Adobe Acrobat to open separately when viewing a PDF with Acrobat 7 or higher: Open Adobe Acrobat, select Edit, Preferences, Internet. On the right pane, uncheck the box called "Display PDF in Browser." Then click OK.

You'll need to close

Internet Explorer and restart it for this change to take effect. After making this change, you may be presented with a dialog box asking if you want to save the document or open it. Select Open. If you uncheck the box entitled, "Always ask before opening this type of file," that screen will not pop up again each time you open a PDF document.

You may now reset Adobe back to open PDF documents in the same browser window if you

(Continued on page 6...)

Burning Questions



What is the difference between scanning and converting to a PDF? If ECF seems to be running slowly for you at times, the reason could be due to the filing of large PDF documents. The recommended method for creating a PDF file is to **convert** a Word or Word Perfect document to a PDF. **Scanning** the document should be avoided unless absolutely necessary, as it tends to create a larger file size than those that are converted. In addition, converting a document to PDF is quicker than scanning.

When scanning is necessary, please check scanner settings and select quality settings that balance quality of image and file size. All documents should be scanned in black and white text, and should never be

scanned as color text or photo. Be sure to check the image quality settings on your scanner, as some may default to a photo quality scan. We also recommended that documents be scanned at a resolution of 200 to 240 dots per inch (dpi).

If a signature is required, convert the document and scan only the signature page. You can then file the signature page as an attachment to your document.

(Reference: USDC - Western District of Washington)

I wasn't able to view a document using my "free look." What's going on?

To get your free copy of the PDF document that has been filed in your case, be sure to click on the correct hyperlink in the Notice of Electronic Filing (NEF).

There are two blue hyperlinks in each NEF.

The first is a case number hyperlink (i.e. [1:08-cv-1458](#)). Clicking on this hyperlink will take you to your PACER login screen and the docket sheet of the case. In addition, you will be charged for any docket report or document you view while logged into PACER from this hyperlink. The second blue hyperlink is a document number (i.e. 33). Clicking on this hyperlink will allow you to view the PDF document without asking for your PACER login and password, giving you your one free copy. So be sure you're clicking on the **second** hyperlink in the NEF. And also remember to save the PDF document to your hard drive for future viewing without further charges from PACER.

CHECK YOUR PDF!
There is a size limit and scanning requirement for all PDFs. The file size of each PDF should not exceed 5MB. Documents should be scanned at 200-250 dpi (dots per inch) and in black and white only.
To check the size of your PDF document in Acrobat, select File, then Document Properties. Look under the "Advanced" section of the Description tab to find the file size. File sizes are listed in kilobytes (KB), and about 1000 kilobytes equals 1 megabyte.

How Do I File...

...a Witness List?:

The *Witness List* event in ECF (found under **Trial Documents** for both civil and criminal cases) creates a private entry. This means that only court personnel are able to view the PDF document attached to this entry. Opposing counsel will not get an NEF and will not be able to see the PDF. Therefore, it is necessary to serve a copy of the Witness List to opposing counsel by either electronic or conventional mail means. A Certificate of Service must be included with the Witness List at the time it is filed in ECF.

...a Notice of Appearance?:

It is important to select the docket event *Notice of Appearance* (found under **Notices** for both civil and criminal cases)

when filing such a document in ECF. This is the only entry that allows you to add/link yourself to the case and party you represent. By filing a Notice of Appearance as a generic *Notice (Other)*, the attorney will not be added to the case and will not receive NEFs.

It is also important that certain boxes are not unchecked when you get to the screen shown below. If the box on the

far left is unchecked, you will not be linked to the party or case and will not receive NEFs. Also, if the box next to "Notice" is unchecked, you will not receive NEFs. Therefore, it is important to keep both of those boxes checked. The "Lead" check box can be modified as necessary if the attorney making the appearance is not lead counsel.

The following attorney/party associations do not exist for the above case(s).

Please check the box on the left of the screen for associations which should be created.

If the association should *not* be created, be sure the box is *unchecked*<

USA (pty:res) represented by John Smith (aty) Lead Notice

Just a Reminder

• **Do not respond to docket entries that have been Entered in Error!** Docket entries that are filed incorrectly are "entered in error" by the Clerk's Office staff. Once a docket entry is entered in error, it is considered to be an invalid entry and should be completely ignored. Please do not file responses or replies to docket entries that have been entered in error. A notice regarding the incorrect filing will be entered by the Clerk's Office and will direct whether the document will be refiled or not. Once the document is refiled correctly, a response or other reply can be connected to it.

• **Redact personal information!** Pursuant to the E-Government Act and Local

Rules 5.4(f) and 49.1(a), personal information and identifiers should be excluded or redacted from documents filed electronically on the public docket. It is not the responsibility of the Clerk's Office to check whether personal information has been included in filings or to bring it to the filer's attention if it is noticed.

The following personal identifiers should be excluded or redacted from all filings: Social Security Numbers (use only the last four digits); Names of Minor Children (use only the initials); Dates of Birth (use only the year); and Financial Account Numbers (use only the last four digits).

• **Check out our ECF filing pointers for help!** If it's been

a while since you filed anything using the ECF system, you may want to check out our filing pointers online for a refresher: <http://www.dcd.uscourts.gov/ECF-Filing-Pointers.html>.

• **If you're still unsure how to file something, please call the Helpline!** If you've read all the pointers you can, and are still unsure how to file a certain document, please call our ECF helpline for direction. It is much better to question something beforehand, then to fix it later. If it is after hours or no one is available to answer the Helpline, you may email your filing to the emails listed on page 1, under the ECF Email heading.

ECF PASSWORD REQUEST AVAILABLE ONLINE!

You can now request a new ECF password online! Here's how:

- Log on to www.dcd.uscourts.gov.
- Select **Electronic Case Filing** from the sidebar menu.
- Select **Forgot your ECF password? Click here for a new one.**
- Complete the information on the next screen, which appears as follows:

CM/ECF User Password Reset

Requirements: A user requesting a new password for CM/ECF must already be registered and a member in good standing with the Court.

Instructions: Complete and submit this form online to request a new password from the United States District Court, District of Columbia. Entry fields are not case-sensitive, but must otherwise match database entries already on file for successful verification. **After verification, your user id and password will be emailed to the specified address on file.**

Name (First, Last):
 Email Address: (Format xxx@xxxx.xxx)
 Last 4 digits of SSN:

By submitting this form, I hereby agree to abide by the [CM/ECF Terms Of Use](#).

Bounce Backs a Problem

When Elvis Presley climbed the Billboard music charts with the song "Return to Sender" in 1962, we were decades away from using email as a means of communication. Yet the concept of undeliverable mail still holds true in a very similar way.

Today's version of "return to sender" in the electronic world comes in the form of a bounce back. A bounce back occurs when an email, or in this case, a Notice of Electronic Filing (NEF), is sent from the court's computer and is not accepted by the recipient's computer. There are a number of reasons why bounce backs occur. The most common reasons are:

1. Recipient's inbox is full.
2. Recipient's computer or server identifies the email (NEF) as spam.
3. Recipient's email address has changed.

When email is returned to the court undelivered, it has to be reviewed by court staff and a second

attempt is made at sending the email. This is a time-consuming process as the court receives a large number of bounce backs each day. When bounce backs occur, attorneys do not receive important orders and notices filed in their cases, which can result in missed deadlines, missed hearings, or possibly even sanctions for not following court orders.

In addition to the problems that an attorney may experience by not receiving notifications from the court, some Internet Service Providers (ISPs) are now flagging excessive bounce backs that originate from the same source (such as the court) as spam. If this occurs, all email originating from the source (again the court) is blocked from delivery to **all attorneys associated with that specific ISP**. As you can imagine, this could be a major problem.

What can you do to keep bounce backs to a minimum?

1. Use the **Maintain Your E-mail**

feature in ECF (found under **UTILITIES** on the blue menu bar) to update your email address. Attorneys have the ability and are encouraged to use this function to keep their own account up to date.

2. Never mark email from the court as spam. If you are no longer involved in a case but continue to receive NEFs for that case, you must file a Notice of Withdrawal of Appearance to be properly removed from the docket.

3. Keep your inbox cleared out as much as possible. Most email providers have a limited amount of space that can be used to store your email. Be sure to find out what that limit is and keep your inbox space usage under it.

The issue of bounce backs is an important one that requires the diligence of all ECF users, and the court strongly encourages attention to this matter.

(Reference: USDC - Eastern District of Michigan)

Problems Viewing PDFs

(continued from pg. 4)

prefer – the blank document problem should be fixed.

One other issue to note: while you may use Blackberries, iPhones, or other smartphone devices to receive Notices of Electronic Filing, these emails do not contain active document hyperlinks. Therefore, you cannot view the PDF document using these devices. *(Reference: USDC - Western District of Washington)*