CM/ECF Electronic New Civil Case Opening

A Guide to Filing New Cases Electronically for Attorneys and Law Firm Staff



United States District Court, Western District of Tennessee June 29, 2012

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I. Attorney Checklist

notification.

Before Opening a New Civil Case:		
	ad all instructions in this CM/ECF Electronic New Civil Case Opening	
	epare the following documents (if applicable) to file and convert to PDF rmat: ☐ Initiating Document (i.e. Complaint, Notice of Removal, etc.) ☐ Civil Cover Sheet (JS-44) ☐ Summons(es)	
on inf	ve all payment information readily available. Payment by credit card is the ly acceptable method of payment for remote case filing. The payment ormation is not required if you will be filing a motion to proceed in forma pauperis P) or representing the USA.	
Opening a Ne	ew Civil Case:	
□ En	ter all necessary information on CM/ECF screens. □ Enter all the statistical information. □ Enter all the parties in the exact order they are listed on the complaint. □ Do not enter any address information. □ Modify the party role type to the correct role (defaults to defendant).	
□ Do	 cket the lead event. □ Select the appropriate lead event and attach the electronically signed initiating document. □ Attach the completed and electronically signed civil cover sheet as a separate attachment and describe it properly. □ Attach any supporting documentation as a separate attachment (e.g. exhibits). □ Attach any summons(es), warrant(s) of arrest in rem, etc. as an attachment. 	
Subsequent l	Documents:	

If you have any questions or need assistance during the case opening process, please contact the Help Desk at cmecfhelpdesk@tnwd.uscourts.gov

Proceed to file all subsequent filings upon receipt of the judge assignment

II. Attorney Electronic Civil Case Opening

A) ELECTRONICALLY FILING NEW CASES

Effective October 4, 2010 attorneys will electronically open new civil cases in CM/ECF. The following conditions must be met:

- (1) The attorney has a valid USDC Western District of Tennessee login and password.
- (2) The required filing fee is paid with a credit card through pay.gov; or
- (3) The case is being filed in forma pauperis; or
- (4) The filing fee is waived (e.ge. cases filed by the U.S. government, 2255 Cases, etc.)

B) REQUIREMENTS TO PROCESS NEW CASES

To successfully process the case:

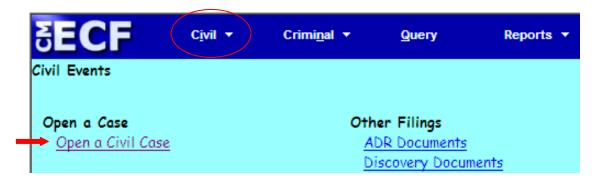
П	Complete the	he entire proces	s as instructed	l in this (Case Opening	Guide
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- ☐ Enter all necessary information on the CM/ECF screens.
- ☐ Docket the lead event and upload all pdf documents.
- ☐ Enter all necessary information on the pay.gov screens.
- ☐ **DO NOT click** the **back button** once you begin the process.
- □ **DO NOT** attempt to open the same case twice.

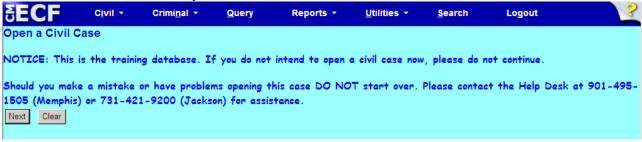
C) OPEN A NEW CIVIL CASE

Click [Civil] on the blue menu bar at the top of the CM/ECF screen.

Select [Open a Civil Case] under the Open a Case category.



Read next screens carefully.



Select [Next] to proceed.



Select [Next] to proceed.

D) SELECT THE DIVISIONAL OFFICE & CASE TYPE

On the next screen, select the Office (Memphis or Jackson) and Case type (cv or mc). The Date filed is automatically displayed on the screen and cannot be modified.



The office is determined by:

- 1) the county in which the incident occurred occasioning the law suit
- 2) (If not applicable, then 2)
- 3) the county of the residence of first listed plaintiff (If not applicable, then 3)
- 4) the county of residence of first listed defendant

The District is divided into two divisions:

- 1) **Eastern** Division-Jackson: Benton, Carroll, Chester, Crockett, Decatur, Dyer, Gibson, Hardman, Hardin, Haywood, Henderson, Henry, Lake, Madison, McNairy, Obion, Perry and Weakley Counties
- 2) Western Division-Memphis: Fayette, Lauderdale, Shelby and Tipton Counties

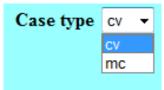
Select the appropriate divisional office from the drop-down menu.



E) AVAILABLE CASE TYPES

Select the case type from the drop-down menu according to the table below.

cv - Civil mc - Miscellaneous



Below is a table of available events for each case type.

CV	MC
Application for Writ of Garnishment	Application for Stay of Execution
Bankruptcy Appeal	Notice to Take Foreign Deposition
Complaint	Notice of Appointment of Receiver
Complaint of Forfeiture	Petition for Protection of a Juror
Petition for Return of Property	Petition to Perpetuate Testimony
Motion to Vacate/Set Aside/Correct Sentence (2255)	Petition RE: Subpoena from Another District
Notice of Condemnation	Registration of Foreign Judgment
Notice of Removal	Petition for Extension of Time in Which to Initiate Judicial Forfeiture
Petition to Enforce IRS Summons	
Petition for Writ of Habeas Corpus (2254) or (2241)	
Sealed Complaint	

Enter when filing a Notice of Removal.

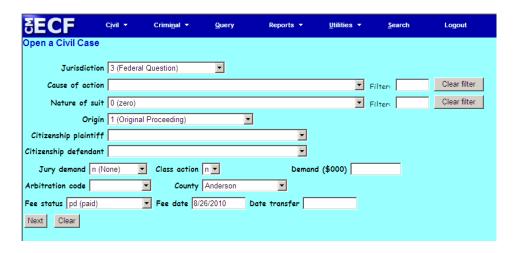


- 1) Other court name: Name of Court from which the case was removed. (e.g. Shelby Chancery, Madison Circuit)
- 2) Other court number: Case number assigned to the case from the removing court.

Once all the information has been selected click [Next].

F) STATISTICAL SCREEN

All information on this screen should be obtained from the Civil Cover Sheet (JS-44).



Completing the statistical screen:

1)	 Jurisdiction: There are five options. U.S. Government Plaintiff U.S. Government Defendant Federal Question (system default) Diversity (Citizenship fields required for both plaintiff & defendant) Local Question 	
2)	Cause of action: Select the appropriate code from the drop-down list or use alphanumeric codes in the filter fields.	
3)	Nature of suit: Select the appropriate code from the drop-down list or use alpha-numeric codes in the filter fields.	
4)	Origin : Select either 1 (Original Proceeding) when filing an original Complaint or (Removal from State Court) when filing a Notice of Removal. All additional options are COURT USE ONLY.	
5)	Citizenship plaintiff/Citizenship defendant: Complete these fields only if the Jurisdictio selected above, was 4 (Diversity).	
6)	Jury Demand: Select the appropriate code from the drop-down list. ☐ n (None): if plaintiff does not want a Jury Trial ☐ p (Plaintiff): if plaintiff wants a Jury Trial ☐ b (Both): Notice of Removal cases only, if both parties have requested jury trial in either court ☐ d (Defendant): Notice of Removal cases only, if only the defendant has requested jury trial	
7)	Class Action: Skip this option.	
8)	Demand (\$000): Leave blank.	
9)	Arbitration Code: Leave blank.	
10)	County : Select the county corresponding with the Office Code selected under divisional office (<i>previous</i>) screen.	
11)	Fee Status: ☐ fp (in forma pauperis): for COURT USE ONLY ☐ none (no fee required): for US Attorney use only ☐ pd (Paid): if being paid electronically with this filing, through pay.gov	

pend (IFP pending): if submitting a motion to proceed in forma pauperis	with	filing
wv (waived): for 28USC2255 cases only		

- **12) Fee Date**: System generated. Do not modify.
- **13)** Date Transfer: Leave blank.

Once all the information has been selected click [Next].

G) ADDING PARTIES

1) Party

Add all parties in the order in which they appear on your charging document. On the right pane of the screen, the search for a party option appears.

To add a new party, type in the party's last name, or if a business, the business name in the "Last/Business Name" field. Complete the "First Name" and "Middle Name" fields, as applicable.

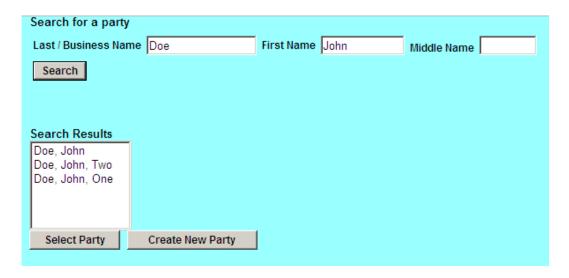
Note: Use <u>upper and lower case letters</u> to input names (i.e. Jane Doe or ABC Corporation)

Please refer to the "CM/ECF Format for Adding Parties" guide on our website for instructions. http://www.tnwd.uscourts.gov/pdf/content/AddingParties.pdf



Click [Search].

If the system finds the correct name, highlight the name already in the database to eliminate different versions of the same party name and then click [Select Party]. If no match is found, click the [Create New Party] button.



Verify the "Last/Business Name", "First Name" and "Middle Name" fields. Complete the "Generation" fields, if applicable.

Note: Do not enter the party's address or contact information.

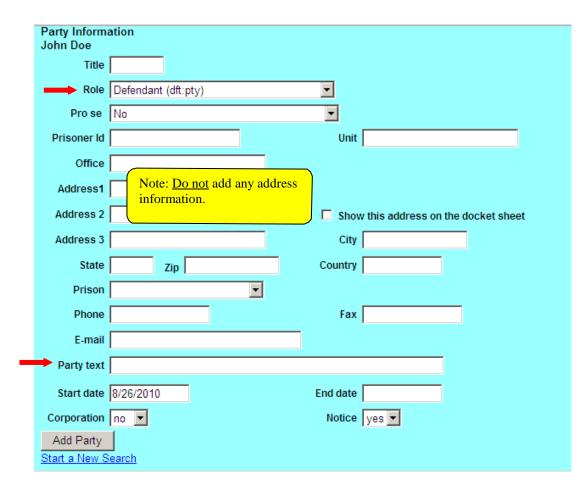
2) Role

Select the correct "Role" of the party; the role defaults to defendant.

3) Party Text

Enter any "Party text" information (i.e. individually, a Tennessee corporation, etc).

Note: <u>Do not</u> enter any alias, corporate parent or other affiliate information in this field (see adding alias, corporate parent, or other affiliate information under Party Icons section).



Click the [Add Party] button.

A new search screen will be displayed from which the user then can search for and add additional party(s). Repeat the above process until ALL parties have been entered.

H) PARTY ICONS

After searching for, selecting, and adding all parties, the parties' names appear on the left pane, in the participant tree. Parties that are added to civil cases will have control icons in the participant tree so the user can add aliases, corporate parents, etc. for the party during this process.



1) Alias(es) or Corporate Parent(s)

The user can either:

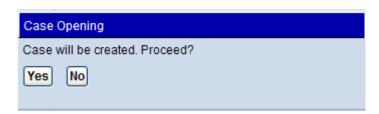
add an alias or corporate parent by clicking on the corresponding 😤 "add" icon
edit the party information by clicking on the pencil "edit" icon,
delete the party by clicking the red X edlete" icon,
add a new party by clicking on the [Add New Party] Add New Party button at the top left of the screen.
add an attorney by clicking on the corresponding ¹ "add" icon- COURT USE ONLY
copy attorney from one party to another party by clicking the "copy" icon- COURT USE ONLY

I) CREATING THE CASE

Once all parties have been entered, click [Create Case].

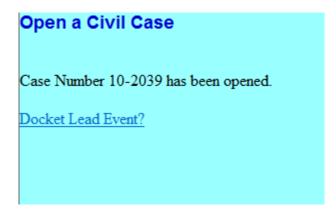


Click [Yes] to proceed with the case opening or [No] to return to the party screen.



J) DOCKETING THE LEAD EVENT

Click [Please Click Here to Docket the Lead Event Now] to proceed to docket your initiating document.

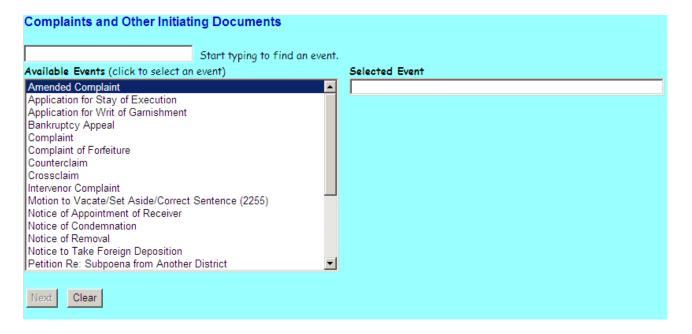


Complaints and Other Initiating Documents

NOTICE: As of October 4, 2010, complaints and other case-initiating documents are no longer to be filed in the shell case 10-zz-9999. Instead, you must first open a new civil case via Civil -> Open a Civil Case. Instructions for case opening can be found at http://www.tnwd.uscourts.gov/pdf/content/AttyCaseOpen.pdf>. After the case has been opened and the complaint filed, the Clerk's Office will assign a judge to the case.

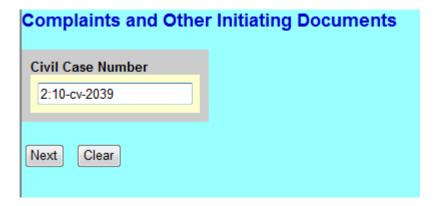


Select the appropriate lead event from the list and click **[Next]**. (For the full list of lead events refer to the table of available events for each case type in the Available Case Types section.)



K) CASE NUMBER

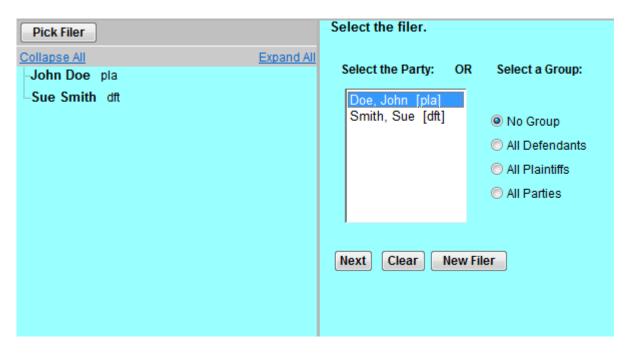
The case number assigned will be displayed.



Click [Next] on this screen. Do not alter any information or click the [Clear] button.

L) SELECTING THE FILER(S)

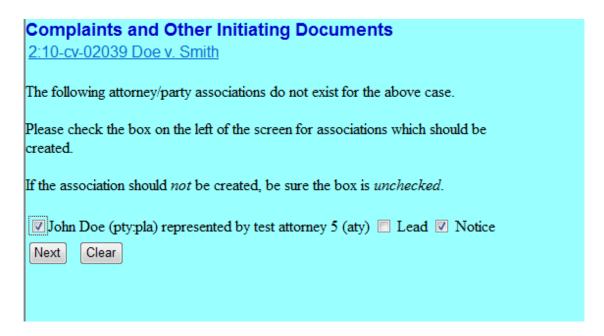
Select the filer by clicking on the party's name. To select multiple filers, hold the [Ctrl] key on your keyboard down and click all applicable filers.



Click [Next] to proceed.

M) ATTORNEY/PARTY ASSOCIATION SCREEN

Ensure that you associate yourself as counsel of record by verifying that the first box and Notice box are checked for each party you are representing. Only the attorney whose login is used to electronically file the case will be associated. Co-counsel is required to file a notice of attorney appearance electronically after the Judge assignment has been completed by the Clerk's office.



Click [Next] to proceed.

N) SELECTING PARTY(IES) THAT FILING IS AGAINST

Select the party that this filing is against by clicking on the party's name. To select multiple filers, hold the [Ctrl] key on your keyboard down and click all applicable filers under the "Select the Party" box or use one of the options under the "Select a Group" section.



O) UPLOADING PDF DOCUMENTS & ATTACHMENTS

1) Main Document: Complaint/Notice of Removal

Under *Main Document*, click [Browse] to select the initiating PDF document.

2) Attachment #1: Civil Cover Sheet

Under Attachments, line #1, click [Browse] to select the civil cover sheet PDF and select "Civil Cover Sheet" under the Category drop-down.

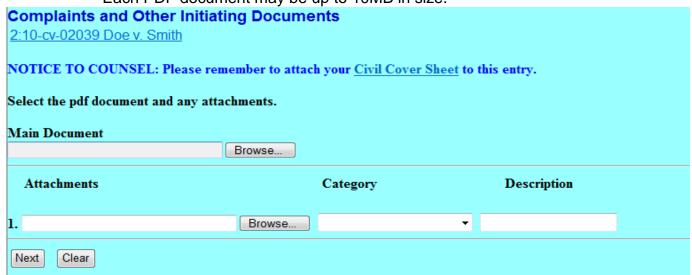
3) Attachment #2: Proposed Summons(es)/ Warrant(s) of Arrest in Rem

Under <u>line #2</u>, click **[Browse]** to select the Summons PDF and select "Summons(es)" under the Category drop-down *or* click **[Browse]** to select the Warrant PDF and select "Warrant" under the Category drop-down.

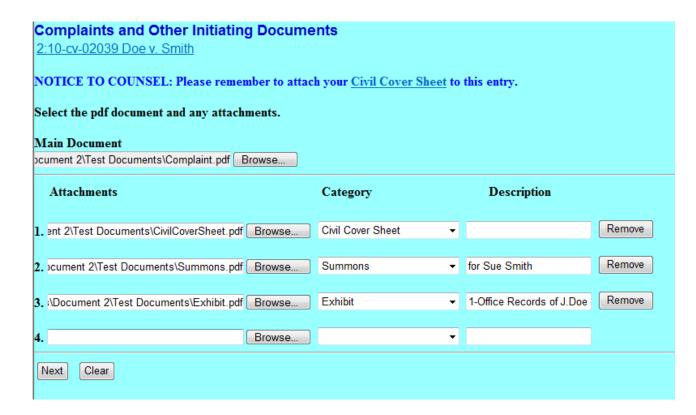
4) Attachment #3: Exhibits

Use the remaining lines, beginning at <u>line #3</u>, to add any additional attachments (e.g. Exhibits, State Court Records, etc.)

Note: Attachments will be numbered in the order in which they are uploaded. Each PDF document may be up to 10MB in size.



Verify that all pdf documents have been added to your entry.



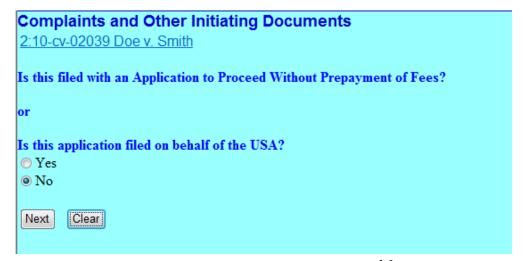
Click [Next] to proceed.

P) FILING FEE, MOTION IFP, OR USA FILER SCREEN

The fee will display in accordance with the lead event selected. Answer the following questions below, as follows.

If the filing included a Motion to Proceed In Forma Pauperis (IFP), change the radio button to Yes.

If the filing is being filed on behalf of the USA, change the radio button to Yes.



Click [Next] to proceed.

If the filer answers "Yes" to either question, the online payment screens will be skipped.

Complaints and Other Initiating Documents



Click [Next] to proceed.

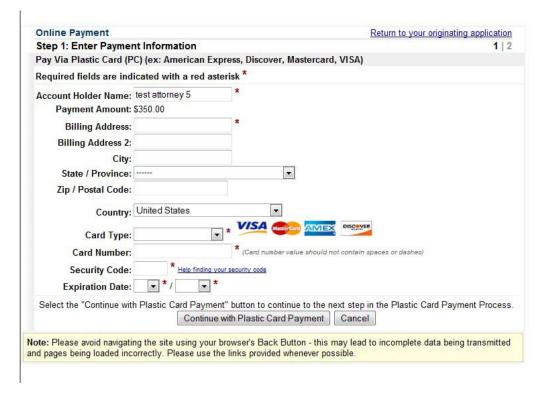
Q) ONLINE PAYMENT

If you answered "No" to both questions, you will proceed to the online payment screens below. Please wait while the online payment screen appears.



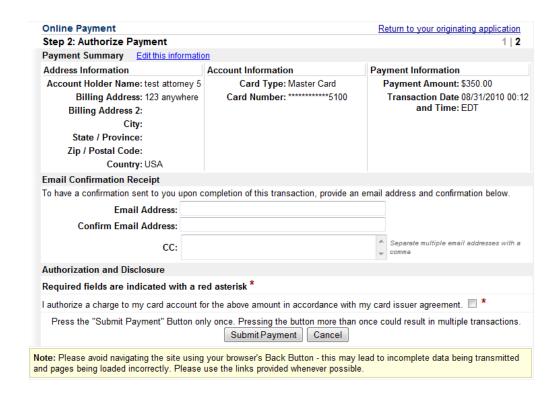
The online payment screen will display. **DO NOT** click the "back button", this may lead to incomplete data being transmitted. Complete the payment data fields as required.

Note: Attorneys cannot create Pay.gov user accounts to make CM/ECF fee payments.



Once the credit card information has been entered click [Continue with Plastic Card Payment], as appropriate to proceed.

A payment authorization screen will appear. You may enter your email address for payment confirmation.



Click the payment authorization box and the [Submit Payment] to proceed.

R) SCREENS AFTER PAYMENT PROCESS COMPLETION OR IFP/USA

Once the payment process has been completed, or if the filer indicated that a motion to proceed IFP would be filed, or if the case is filed on behalf of the USA; the following CM/ECF screen will appear.

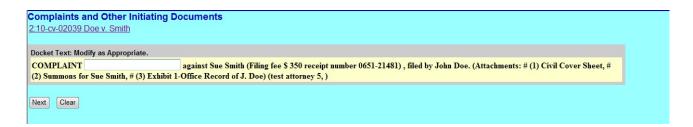


NOTE: In the event of a payment discrepancy, notification will be sent giving 24 hours to cure the defect. Failure to act may result in dismissal of the action.

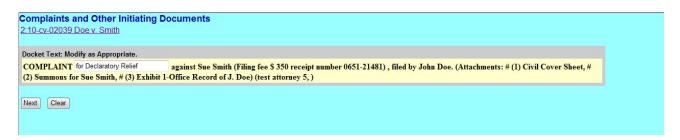
Click [Next] to proceed.

S) DOCKET TEXT MODIFICATION SCREEN

This screen will allow a generous amount of text to further describe your entry.



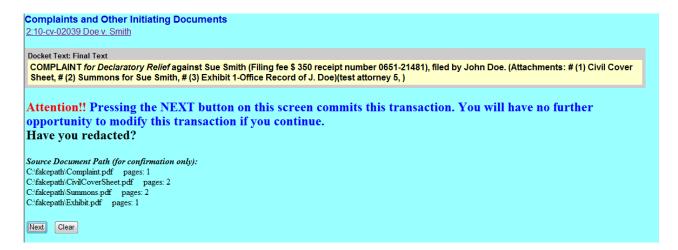
Enter the appropriate text in the manner it should appear in the final docket text. (Note: CM/ECF does not have spell check)



Click [Next] to proceed.

T) FINAL DOCKET TEXT SCREEN

The final docket text will be displayed with all attachment descriptions. Click [Next] to proceed.



U) NOTICE OF ELECTRONIC (NEF)

The Notice of Electronic Filing (NEF) is displayed with all the filing information as a receipt of the transaction.



V) JUDGE ASSIGNMENT

Upon the completion of the quality review, an NEF will be sent to the filing attorney's email with the notification of Judge assignment.

W) ISSUANCE OF SUMMONS(ES)/ WARRANT(S) OF ARREST IN REM

Any summons(es), attached during the case opening process, will be issued and entered on the docket. Upon receipt of the NEF, the filer may print the official summons(es) for service.

Any warrant(s) of arrest in rem, attached during the case opening process, will be extracted and forwarded to the US Marshals service by the Clerk's Office.

X) SUBSEQUENT FILINGS

All subsequent filings may be submitted upon receipt of the Judge assignment notification.