# CASE MANAGEMENT ELECTRONIC CASE FILES

## **CM/ECF**



## CIVIL CASE OPENING PROCEDURES DISTRICT OF NEW MEXICO

**AUGUST 2011** 

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## **Getting Started**

#### Introduction

This document provides instructions on how to use CM/ECF—the Court's electronic case filing system—to open a new civil case and file the complaint or other initiating document with the United States District Court for the District of New Mexico.

#### **CM/ECF Help Desk**

If you need assistance using CM/ECF, contact the Court's CM/ECF Help Desk between the hours of 8:30 a.m. and 4:30 p.m., Monday through Friday (excluding federal holidays).

CM/ECF Help Desk	(505) 348-2075
OR	
Email	cmecf@nmcourt.fed.us

### **Opening a Sealed Civil Case**

If you need to open a civil case under **seal** (*e.g.*, a *qui tam* case), please call the CM/ECF Help Desk before continuing. The CM/ECF Help Desk will provide information and procedures on how you should proceed.

## **Civil Case Opening**

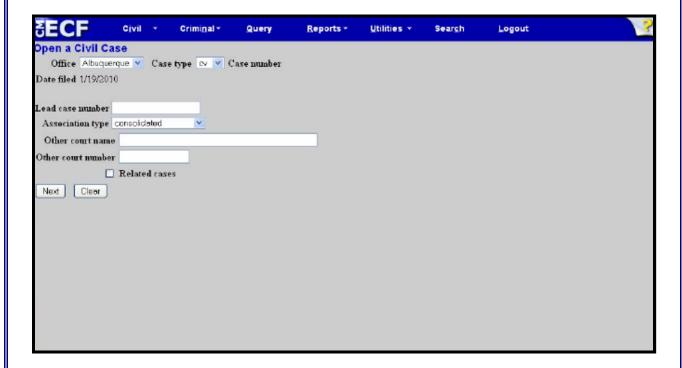
The Civil Case Opening function is located under **Civil** on the CM/ECF Main Menu Bar.

To open a civil case, single click on **Civil** in the blue menu bar at the top of the screen. On the Civil Events menu, under **Open a Case**, select <u>Civil Case Opening by Attorneys</u>.



**DO NOT** use the browser's [Back] button once you have started the case opening process. If you make a mistake **before** you have received the assigned case number, start the case opening process again (from the beginning) by selecting **Civil** from the blue menu bar at the top of the screen. For assistance, please call the CM/ECF Help Desk.

## **Case Opening Screen**



#### **Office**

Select the office (Albuquerque or Las Cruces) where the complaint would be filed if submitted in paper. If the complaint would be submitted in Santa Fe, please select Albuquerque. The Court will change the divisional office, if necessary.

## **Case Type**

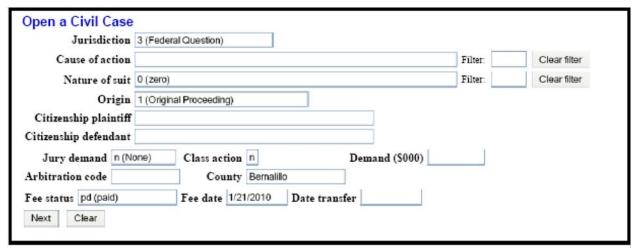
Select either "cv" (Civil) (for most civil actions) or "mc" (Miscellaneous Civil) (if registering a foreign judgment, for example).

Leave the remaining fields blank or with their default settings unless you are filing a Notice of Removal. If filing a Notice of Removal, please add the state court name in the "Other court name" field; then add the state court case number in the "Other court number" field.

Click [Next] to continue to Open a Civil Case.

#### **Civil Cover Sheet Information**

To complete the fields shown below, refer to the Civil Cover Sheet (which should already be prepared for filing with the Complaint or other initiating document).



(Screen shot shown without CM/ECF blue menu bar at top)

#### Jurisdiction

There are five options from which to choose:

- 1 (U.S. Government Plaintiff)
- 2 (U.S. Government Defendant)
- 3 (Federal Question)
- 4 (Diversity)
- 5 (Local Question)

ECF defaults to "3 (Federal Question)" because it is the most common. If "4 (Diversity)" is the appropriate jurisdiction, you must also complete the Citizenship fields for both the plaintiff and the defendant.

#### Cause of Action and Nature of Suit

There are many options in the selection lists for each of these fields. You may filter the items displayed in each list, by entering characters in the **Filter** field; this will narrow the selection list to just the items that match the string entered. (Both **Filter** fields are alpha-numeric and will accept up to 10 characters.) To change the filter, you may type over the characters already entered, or click the **Clear filter** button. The **Clear filter** button, when clicked, returns the contents of the drop-down to the complete list.

#### **Origin**

There are twelve options in this selection list; however, you may only select the first (1 (Original Proceeding)), or second (2 (Removal from State Court)) option. All other options are for Court use only.

#### Citizenship Plaintiff and Citizenship Defendant

If "4 (Diversity)" was selected in the Jurisdiction field, please complete each of these fields; there are six options from which to choose:

- 1 (Citizen of this State)
- 2 (Citizen of Another State)
- 3 (Citizen or Subject of a Foreign Country)
- 4 (Incorporated/Principal Place of Business-This State)
- 5 (Incorporated/Principal Place of Business-Other State)
- 6 (Foreign Nation)

If this is not a diversity case, leave the citizenship fields blank.

#### **Jury Demand**

There are four options from which to choose (the system default is "**n** (**None**)") to indicate whether or not a jury is demanded and by whom:

- b (Both)
- d (Defendant)
- n (None)
- p (Plaintiff)

#### **Class Action**

Leave this field at the system default ("n").

#### **Demand** (\$000)

Enter the dollar amount demanded in the Complaint; the amount must be entered in thousands of dollars. For example, if \$100,000 is demanded, "100" is entered.

#### **Arbitration Code**

Leave this field blank.

#### County

- Select the county of residence of the first listed plaintiff. Or,
- If the U.S. government is the plaintiff, select the county of residence of the first listed defendant. Or,
- If this is a land condemnation case, select the county in which the tract of land involved is situated. Or,
- If the county of residence (or tract of land) is outside New Mexico, select "OUT OF STATE." Or,
- If the county of residence (or tract of land) is outside the United States, select "OUT OF COUNTRY."

#### **Fee Status**

There are six options from which to choose (the system default is "pd (paid)") to indicate whether or how the filing fee has been paid:

• **due** (**due**) If you will be sending a check for the filing fee.

• fp (in forma pauperis) If granted in state court.

• **none** (**none**) If no filing fee is required.

pd (Paid)
pend (IFP pending)
If the filing fee is being paid online with this filing.
If motion to proceed IFP is submitted with this filing.

• wv (waived) For use by the U. S. Attorney only.

#### Fee Date and Date Transfer

You may disregard these fields.

After the appropriate information has been entered, click [Next] to begin adding the parties to the case.

## **Party Search Screen**

The next screen in the case opening process is the interface for adding the parties. The screen is divided into two sections. The left pane contains the controls to **Add New Party** and **Create Case** and displays the case participant tree. Since the case participants have not yet been added, the participant tree is empty.

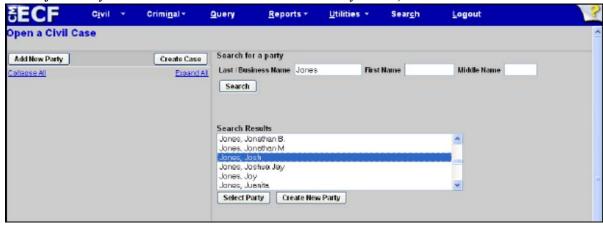
Case Opening - Search for a Party Screen with Participant Tree Empty



The <u>Expand All</u> hyperlink will display all the participants (parties and attorneys) in the case, once they are added. The <u>Collapse All</u> hyperlink displays only the parties in the case, with the other participants collapsed in the tree. The **Search for a party** fields are in the right pane on the screen.

Parties should be added in the same order as the parties are listed in the case caption of the initiating document. Begin adding the parties by entering the name of the first plaintiff in the **Last/Business Name** field, then click **Search**. The search results will be displayed on the screen; either click on a party name in the **Search Results** list, then **Select Party**, or **Create New Party**, if the needed party name is not contained in the **Search Results**.

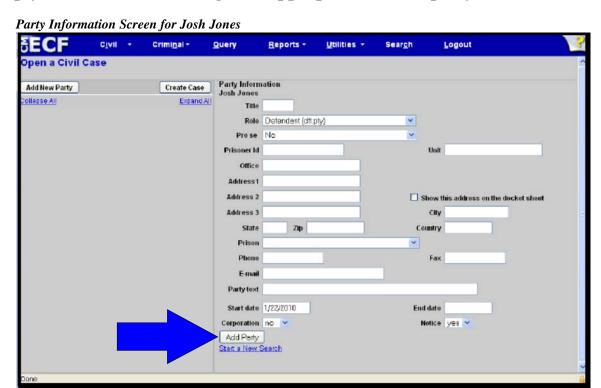
Search for a Party Screen Shown with Search Results and Party "Jones, Josh" Selected



#### Selecting a Party from the Search Results List

After selecting a name from the **Search Results**, then clicking on **Select Party**, the **Party Information** fields for the selected party will appear.

On the Party Information screen, the Role field will always default to "Defendant (dft:pty)" and should be changed as appropriate as each party is added.



- **DO NOT** change the **Pro Se** field;
- **DO NOT** enter the party's address, telephone number, or e-mail address;
- DO NOT enter your contact information on this screen; however,
- **DO** change the party **Role**, as appropriate, as mentioned above.

In the **Party text** field, enter any additional information as needed (for example, *Individually, and as President and CEO of XYZ Corporation*); and change the **Corporation** field as appropriate.

Click the **Add Party** button and the party will be added (with the party role) to the participant tree on the left; nodes for the attorney, alias, and corporate parent or other affiliate will appear under the party name in the tree. Also present will be functional icons for adding, editing, copying, or deleting case participants. To reveal the function of an icon, hover over it with your mouse; a pop-up box will identify the icon's function. The right pane of the screen returns to the **Search for a party** fields.



#### Screen shown with Josh Jones added as Plaintiff (pla) in left pane and "Search for a party" in right pane

#### Adding Aliases and Corporate Parents

Any known alias(es) and/or corporate parent information must be added for all parties before the case is created. Using the example above, to add an alias for Josh Jones, click on the functional icon next to Alias (in the left pane of the screen). The right pane of the screen will then prompt you to Search for an alias for Josh Jones; enter the Last/Business Name in the search box; click Search to continue. The search results will be displayed on the screen, and you can either click on an alias in the Search Results list, then Select Alias, or Create New Alias, if the name you need is not contained in the Search Results. If Select Alias is clicked, the Alias Information will appear in the right pane of the screen. Change the Type field so the appropriate information is shown for the alias (see table below for alias types and translations), then click Save Changes. The alias will be added to the participant tree in the left pane of the screen with functional icons to add or edit the Alias.

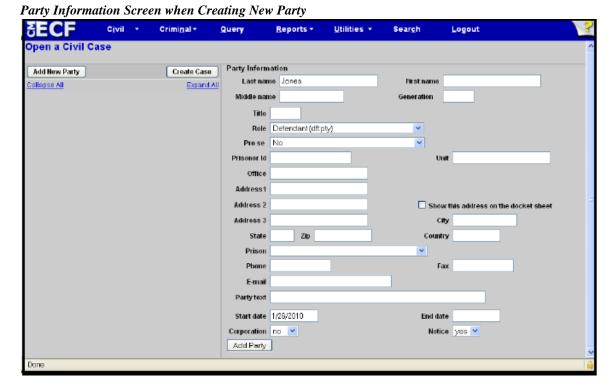
Alias Type	Translation	Alias Type	Translation
agent	agent	nee	born
aka	also known as	nfr	next friend
dba	doing business as	obo	on behalf of
exc	executor	other	other
est	estate of	rec	receiver
fdba	formerly doing business as	rpi	real party in interest
fka	formerly known as	suc	successor
gal	guardian ad litem	ta	trading as

The process for adding a **Corporate Parent** is the same as adding an **Alias**.

#### **Creating New Parties**

Many names and businesses are in the system, so first search for your party in several ways to avoid creating duplicate entries. If after several searches, the needed party name is still not contained in the **Search Results** list, click **Create New Party**. The **Party Information** fields for the newly created party will appear.

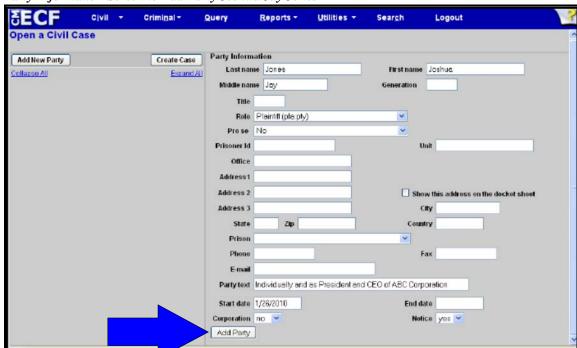
On the **Party Information** screen, the **Role field will always default to "Defendant** (dft:pty)" and should be changed as appropriate as each party is added.



Complete the **Last name**, **First name** and **Middle name** fields as appropriate. Enter business names in the **Last name** field. Use the **Party text** field to include additional information (see below); do not include party text information as part of the party's name.

- DO NOT change the Pro Se field;
- **DO NOT** enter the party's address, telephone number, or e-mail address;
- **DO NOT** enter your contact information on this screen; however,
- **DO** change the party **Role**, as appropriate, as mentioned above.

In the **Party text** field, enter any additional information as needed (for example, *Individually, and as President and CEO of ABC Corporation*); and change the **Corporation** field as appropriate.



Party Information Screen to Add Party Joshua Jay Jones

Click the **Add Party** button and the party will be added (with the party role) to the participant tree on the left; nodes for the alias and corporate parent or other affiliate will appear under the party name in the tree. Also present will be functional icons for adding, editing, copying, or deleting case participants. To reveal the function of an icon, point to the icon in question; a pop-up box will identify its function. Use these functional icons to make any corrections or changes to the party information already added. For example, if you inadvertently failed to change a party role from Defendant to Plaintiff, click the edit icon, make the correction, then save your changes.

The right pane of the screen returns to the **Search for a party** fields (if no changes were made; if changes were made, click **Add New Party** to return to the **Search for a party** fields). As previously described, any known alias(es) and/or corporate parent information must be added for all parties before the case is created.

DECF Civil \* Criminal \* Query Reports \* Utilities \* Search Logout

Open a Civil Case

Add New Party

Create Case

Search for a party

Last / Business Name

First Name

Middle Name

Search

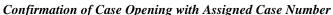
Affectingy

Party Information Screen Shown with Joshua Jay Jones added as Plaintiff

Follow the steps described above to continue adding parties to the case. When all plaintiffs and defendants listed in the complaint (or other initiating document) have been added, click **Create Case**. A confirmation message will appear, "**Case will be created. Proceed?**" If additions or changes to the party information are needed, click **No**, then proceed to make the needed changes. If you are ready for the case to be opened, click **Yes**.

## **Case Number Assignment**

When **Create Case** then **Yes** have been clicked, the case is officially open, and a civil case number is automatically assigned.





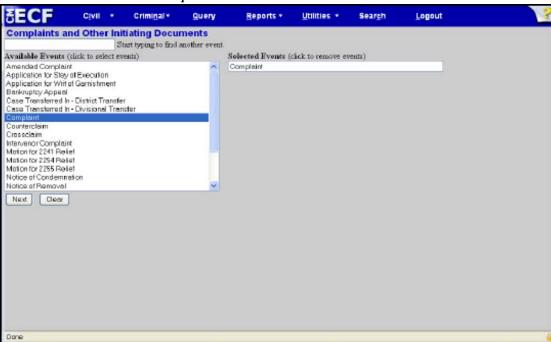
The final step in opening a new civil case is to docket the lead event, meaning to file the complaint or notice of removal (or other initiating document).

If you choose not to file the initiating document immediately, <u>which is highly discouraged</u>, write down the case number or print the confirmation screen, so the case number will be available when you are ready to file the initiating document. If you misplace or forget the assigned case number, please contact the Help Desk to retrieve it. **DO NOT** open another case to obtain a new case number.

## **Docket Lead Event/Filing the Initiating Document**

To immediately file the initiating document, click on the **Docket Lead Event?** link. The **Complaints and Other Initiating Documents** screen will appear. Select the appropriate event, then click [Next].

Event Selection Screen with Complaint selected.



The next screen should display the assigned case number.

#### Case Number Input Screen



Please verify the case number; if the box is empty or the number shown is incorrect, enter the correct case number. Click [Next] to continue.

A confirmation screen will display the case number with the case name. Click [Next] to continue.

#### **Select the Filer of the Complaint**

You will then **Select the filer** from the party list shown in the right pane of the screen. Click on the name of the filing party. If there is more than one filing party, click the first filing party, then hold the **Ctrl** key down while clicking the name of each subsequent filing party. If a plaintiff was not added to the case at case opening, you may click **New Filer** to add the omitted plaintiff. Once all plaintiffs have been selected as the filers, click **[Next]** to continue.

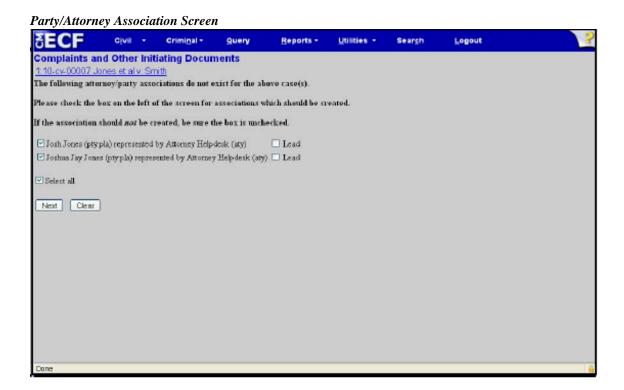


Select the Filer Screen with Two Parties Selected as Filers

#### **Party Association**

The next screen is presented the first time a filer selects a party during the filing process. Once an attorney is associated to a particular party, this screen will not appear.

From this screen, the filing attorney must correctly associate him or herself with the filing party or parties. This ensures that the notice of electronic filing will be sent to the attorney for the plaintiffs indicated.



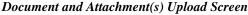
By checking the box, the filer is indicating that the party is being represented by the attorney who is currently logged in and who is filing the initiating document. If **Lead** is checked, this attorney will be identified as Lead Counsel.

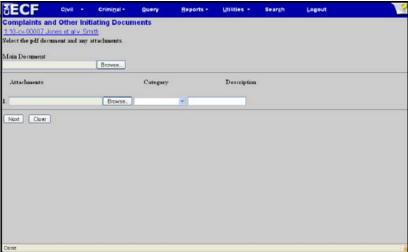
## Click [Next] to continue.

From the right pane of the screen, you must now "select the party that this filing is **against.**" Again, **Select the Party** or the appropriate **Group** (if there are several defendants); click [Next] to continue.



## **Attaching the Initiating Document**





The **Main Document** will be the complaint or other initiating document. Click **Browse** to browse your computer's hard drive or network drive to locate the PDF file of the complaint to be filed (always open the PDF file to verify that you are attaching the correct PDF). Once the complaint is added to this field, attach the Civil Cover Sheet for the case as an attachment. Click **Browse** in the **Attachments** section to locate the PDF file of the Civil Cover Sheet. When the Civil Cover sheet is added, select "Civil Cover Sheet" from the selection list under **Category**. You may leave the **Description** field blank. If there are additional attachments, follow the same process (but use a different category and/or description for any subsequent attachments). When all attachments have been added, click [**Next**] to continue.

Main Document and Attachment(s) Upload Screen



## **Paying the Filing Fee**

The next screen will indicate that this is a fee-based filing. Please review the *CM/ECF Procedures for Making Online Payments* for more information about payment of fees.

Select the payment method, then click [Next] to continue.



A payment information screen will contain brief instructions on paying the fee (depending on the method selected) and the penalty for failure to pay.

Payment Information Screen received after Deliver method of payment selected.



Click [Next] to continue.

Done

## Selecting a Restriction Level for the Documents Filed

Select the appropriate access or restriction level for the documents being filed. The restriction level selected applies to the entire submission (the main document and all attachments).

Select Document Access Screen

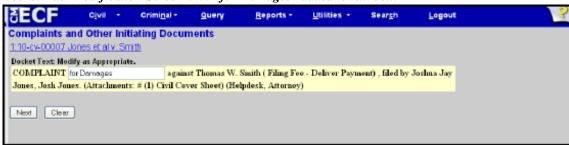


Click [Next] to continue.

## **Proposed Docket Text**

On the Docket Text modification screen, you may add additional text as needed; the text box will accept up to 256 characters. **DO NOT** use abbreviations.

Docket Text Modification Screen with "for Damages" added to text box.



Click [Next] to continue.

#### **Final Review**

The Final Text screen is your last chance to review the submission.

Last Chance Screen



Review the screen carefully, and if you are totally satisfied that the filing is correct and complete, click [Next] to submit the filing. Once Next is clicked, the filing is submitted to the Court and immediately available on the docket report.

## **Notice of Electronic Filing**

The Notice of Electronic filing ("NEF") will be displayed. The NEF constitutes your receipt for the transaction; it is recommended that you save and/or print the NEF.

Notice of Electronic Filing ("NEF")



Summonses				
Please refer to the <u>Procedures for Having a Civil Summons Issued</u> (also posted on the Court's web site). This document contains the preparation procedures, document format requirements, and email address for submitting summonses to the Clerk's Office to be issued.				
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