The Attorney's "How To" Guide for

# - Civil Case Opening -



Texas Eastern District Court June 11, 2014

#### INTRODUCTION

Effective January 14, 2008, attorneys can open their own civil cases and file the initial document/pleading via CM/ECF if *one* of the following conditions are met:

- (1) The required filing fee is paid on-line with a credit card.
- (2) The case is being filed informa pauperis; or
- (3) The filing fee is waived.

You must complete the <u>entire</u> process. You will open the new civil case <u>and</u> file your initial document/pleading. Do not attempt to open the same case twice. As this process uses your browser's cookies to store filing information, <u>never</u> click the back button once you begin the filing process or your information may be lost and your credit card may be billed twice.<sup>\*</sup>

## Never click the back button once you begin the filing process

## FILING SUMMARY:

- Open case with attached complaint and civil cover sheet. If you file the initial document with an accompanying *Motion to Proceed Informa Pauperis*, <u>do not</u> file the motion/application to proceed in forma pauperis as an attachment to the complaint. You must file the motion/application to proceed in forma pauperis as a separate document using the appropriate motion event.
- 2. Email the summons to the appropriate clerk's office as a PDF document. The case number must be clearly noted on the summons. The email addresses are listed below:

Tyler	newcasetyl@txed.uscourts.gov
Beaumont	newcasebmt@txed.uscourts.gov
Marshall	newcasemsh@txed.uscourts.gov
Lufkin	newcaseluf@txed.uscourts.gov
Sherman	newcaseshm@txed.uscourts.gov
Texarkana	newcasetxk@txed.uscourts.gov

3. The summons will be returned to you via email.

<sup>\*</sup>This is due to the current software limitations of the internet interface. If double-billing occurs, please call the clerk's finance office at 903-590-1000.

## **STEP BY STEP INSTRUCTIONS:**

1. Log into CM/ECF using your court assigned login. Please note that your CM/ECF login and password is *different* from your PACER account. The direct link to CM/ECF is: https://ecf.txed.uscourts.gov If you receive a security warning, click the Yes button to continue.

Authentication	Security Information
Login: d05txqd	This page contains both secure and nonsecure
Password: ••••••	items.
client code:	Do you want to display the nonsecure items?
Login Clear	Yes No More Info

2. Click the Civil link located at the top left corner of your screen.



3. Click on the <u>Open a Civil Case</u> hyperlink, this is under the section, **Case Opening**, in the **Civil Events** category.



You will receive a notice that the complaint must be filed the same day that the case is opened. Click <Next> to continue.

Open a Civil Case
Please note that the complaint MUST BE FILED THE SAME DATE THAT THE CASE IS OPENED.
See Local Rule CV-4(b) .
Next Clear

4. Simply fill in the relevant blanks. Choose the Office from the pull down menu. *The Case type will always be cv.* Ignore the Lead case number and Association type. If the case is a removal from state court, fill in the Other court name and Other court number. Click the Related cases box if you wish to add related case numbers. Click the Next button.

Open a C	civil Case				
	Beaumont 💌	Case type	cv 🐱 Case nun	nber	
Date filed	Beaumont Marshall				
	Paris				
Lead case	Sherman Texarkana		Association type	consolidated	~
Other co	Tyler Lufkin				
Other cour	t number				
	🗌 Rel	ated cases			
Next Cl	ear				

5. Using your civil cover sheet as a guide, fill in the blanks. **NOTE: Demand (\$000) is a number representing the dollar amount demanded in thousands, up to four digits. For example, \$10,000 would be entered as 10. If there is no dollar demand, leave this field blank.** Click the Next button when you are ready to continue. Don't panic if you choose an invalid combination of entries and receive an error. Simply correct the fields and continue.

SECF	C <u>i</u> vil ▼	Crimi <u>n</u> al <del>-</del>	<u>Q</u> uery	Repor	ts <del>-</del> <u>U</u> tili	ties 🔻	<u>S</u> earch	Logout
Open a Civil Cas	e							
Jurisdiction	3 (Federal Q	uestion)	~					
Cause of action					*	Filter:	Clear filte	<b>_</b>
Nature of suit	0 (zero)				~	Filter:	Clear filte	r I
Origin	1 (Original P	roceeding)	~					
Citizenship plaintiff				~				
Citizenship defendant				~				
Jury demand n (N	one) 💌	Class action n	×	De	mand (\$000)			
Arbitration code	*	County A	Anderson	~				
Fee status pd (paid)	~	Fee date 3/1/2	010 ]	Date transfer				
Next Clear								

## 6. -Adding Parties-

It is *critical* that you first search the database for existing parties. If you add a party that already exists, the database will soon be cluttered with duplicate names and it will become very difficult to query by name. Do not add party names in ALL CAPS. Please see Appendix A for Standard Party Name Guidelines

Begin by searching to see if the party already exists. If the party is anyone other than an individual, (i.e. a company, a university, a municipality, etc.), the *entire name* of the party goes in the Last name field. This field will hold up to 200 characters. Type the last name or the first few letters of the last name and click the Search button.

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Open a Civil C	ase						
_			Search for a	artu			
Add New Party Collapse All	J	Create Case Expand			First Nam	e	Middle Name
		/	Search				

If the party you searched for already exists in the database, you will see a screen like this:

Last / Business Name       Clark       First Name       Skip         Search         Search Results         Clark, Skip         Select Party       Create New Party	Search for a party				
Search Results Clark, Skip	Last / Business Name	Clark	First Name	Skip	
Clark, Skip	Search				
Clark, Skip	Cooreb Desults				
1					
Select Party Create New Party	and the second second second				
Select Party Create New Party	1				
Select Party Create New Party					
Select Party Create New Party		Canada New Deats			
	Select Party	Create New Party	94		

Click on the party from the Search Results box and click, **Select Party**>, to continue.

If the party doesn't exist in the database, you will see a screen with an empty Search Results window.

SECF	C <u>i</u> vil <del>-</del>	Crimi <u>n</u> al <del>-</del>	Query	Reports -	<u>U</u> tilities -	<u>S</u> earch	Logout
Open a Civil C	ase						
Add New Party		Create Case	Search for a p	barty			
Collapse All		Expand Al	Last / Busines	s Name Clark	First Nam	e Skip	Middle Name
			Search Result			a new party.	
					K		

You can either search again or click on **Create New Party** to continue. To search again, simply type in a new Last or First name and click the **Search** button again.

If the party already exists in CM/ECF, an information screen will appear. Select the role of the party (plantiff, defendant etc.) but do not modify or add any other information.

	Party Informa Skip Clark	ation				
	Title					
	Role	Defendant (dft:pty)		*		
	Pro se	No		~		
	Prisoner Id			Unit		
	Office					
	Address1					
	Address 2			Show	this address on t	he docket sheet
	Address 3			City		
	State	Zip		Country		
	Prison		~			
	Phone			Fax		
	E-mail			]		
	Party text					
_	Start date	3/2/2010		End date		
	Corporation	no 💌		Notice	yes 🐱	
	Add Party					

## Click <**Add Party**>.

If the party isn't already in CM/ECF, a similar screen will appear. Select the role of the party (plantiff, defendant etc.) If the party is represented by counsel, only enter the party's name (do not add the address). If the party is anyone other than an individual, (i.e. a company, a university, a municipality, etc.), the *entire name* of the party goes in the Last name field. This field will hold up to 200 characters. Complete address information for pro se parties. Complete the Party Text field as stated on the complaint, i.e. individually, successor to, etc.



Ignore the Corporate Parent button. You will add the corporate parent when you file the corporate parent disclosure statement.

If the party has an alias, (i.e., "formerly known as", "doing business as", "on behalf of" etc.), you may add it now by clicking the add alias icon.

Click <**Add New Party**> to continue. Do not click the **Back** button to continue or you will be required to re-add parties.

Party Informa	ation	
Last nam	e Clark	First name Skip
Middle nam	e	Generation
Title		
Role	Defendant (dft:pty)	×
Pro se	No	~
Prisoner Id		Unit
Office		
Address1		
Address 2		Show this address on the docket sheet
Address 3		City
State	Zip	Country
Prison	~	
Phone		Fax
E-mail		
Party text		
Start date	3/2/2010	End date
Corporation	no 💌	Notice ves 🗸

You will see the party's information appear in the left panel of your screen.. If you want to add another party, you must search for the party name again. If you click on the **<Add New Party>** button, you'll notice nothing happens. CM/ECF *forces* you to search for a party before you can add a new one to the database.



The interface becomes a bit intuitive at this point. The more parties you add, the longer the party list grows.

₹ECF	C <u>i</u> vil ▼	Crimi <u>n</u> al 🝷
Add New Party		Create Case
Collapse All		Expand All
<ul> <li>Skip Clark dft / S</li> <li>Alias</li> <li>Corporate Parent of Attorney</li> </ul>	r other affiliæte	•8
<ul> <li>Tammy R Anderson</li> <li>Alias</li> <li>Corporate Parent of Attorney</li> </ul>		8

The party type defaults to defendant. If you accidentally add the party with the wrong party type, simply click the pencil icon to edit the party.

If you click on the pencil icon, you will be presented with the party edit screen. Make your changes and click the **Save Changes** button. If you decide not to make changes, click on the **Start a New Search** button. Clicking on the **Back** button will require you to re-add parties.



7. Once you have added all of your parties, click the **<Create Case>** button. You will be asked if you want to proceed. Click the **Yes** button.

Note: Local Rule CV-4 Attorneys must electronically file their civil complaints within 24 hours of opening the shell civil case in CM/ECF.

Case Open		
Case will b	e created. Proceed?	
Yes No	)	

8. You are now ready to docket the lead event. Click the <u>Docket Lead Event?</u> hyperlink. You <u>must</u> docket the lead event.



Choose the event from the drop down box and click <Next>.



9. The case number will be displayed. Do not change this number. Click <Next>.

Comp	laints and Other
Civil C	ase Number
6:10-	cv-10
Next	Clear

You are presented with a confirmation screen. Click <Next>.



10. Select the filer by clicking on the party and then click **Next.** In this example, notice that the plantiff is missing from the party list. If you forgot to add a party earlier, you can still add parties now. Simply click on **<New\_Filer>.** 

SECF	C <u>i</u> vil →	Crimi <u>n</u> al ·	•	Query	Reports +
Complaints and 6:10-cv-00010 v. Clark (		iating Doo	um	ents	
Pick Filer Collapse All <u>6:10-cv-10</u>		Expand All	Sele	ect the filer. Select the	Party:
-Tammy R Anderso Skip Clark dft	n dft			nderson, Tamr lark, Skip [dft xt] Clear (	

Remember that CM/ECF forces you to search for the party first. Enter the name of the party and click **<Search>**.

Pick Filer     Search for a party       Collapse All     Expand All       6:10-cv-10     Search       Tammy R Anderson dft     Search       Skip Clark dft     Search Results       JOHNSON, SAMUAL L.     Johnson       Johnson     Johnson       Johnson     Johnson		Coarab for a party	
6:10-cv-10 Tammy R Anderson dft Skip Clark dft Search Results JOHNSON, SAMUAL L. Johnson Johnson Johnson, Lt Johnson, Lt Johnson, (tr) Johns	Pick Filer	Search for a party	
Tammy R Anderson dtt Skip Clark dt Search Results JOHNSON, SAMUAL L. Johnson Johnson, Lt J	Collapse All Expand	Last / Business Name Johnson First Name	me Middle Name
Tammy R Anderson dtt Skip Clark dtt Search Results JOHNSON, SAMUAL L. Johnson Johnson Johnson, Lt Johnson, (major)	<u>6:10-cv-10</u>	Search	
Search Results JOHNSON, SAMUAL L. Johnson Johnson Johnson, Lt Johnson, (major)	Tammy R Anderson dft		
JOHNSON, SAMUAL L. Johnson Johnson, Lt Johnson, (major)	Skip Clark dft		
JOHNSON, SAMUAL L. Johnson Johnson, Lt Johnson, (major)			
Johnson Johnson, Lt Johnson, (major)		Search Results	
Johnson Johnson, Lt Johnson, (major)		JOHNSON, SAMUAL L.	~
Johnson, Lt Johnson, (major)		Johnson	
Johnson, (major)		Johnson	
		Johnson, Lt	
Johnson (officer)		Johnson, (major)	
Johnson, (oncer)		Johnson, (officer)	~

Select the role of the party and click <**Add Party**>.

	LI	
Role	Plaintiff (pla:pty)	~
Pro se	No	~
Prisoner Id		U
Office		
Address1		
Address 2		🗆 Sł
Address 3		С
State	Zip	Count
Prison		
Phone		Fi
E-mail		
Party text		
Start date	3/2/2010	End da
Corporation	no 💌	Noti
Add Party	]	
Start a New S	earch	

11. Now we're ready to select the filer. Just click on the filer and then click <Next>



You may receive this message if the association doesn't exist. Click the appropriate boxes and then click <**Next**>.



You are now asked to select the party that this filing is against. You can select one party or use the radio buttons to select a group.



In this example, the group, All Defendants, is selected by clicking the radio button.

Please select the party that this Select the Party: OR	Select a Group:
Anderson, Tammy R [dft] Clark, Skip [dft] Johnson, Queen [pla]	<ul> <li>No Group</li> <li>All Defendants</li> <li>All Plaintiffs</li> <li>All Parties</li> </ul>
Next Clear New Party	

12. Add the complaint or removal by clicking Browse and navigating to the directory where your pdf document is stored. Choose the appropriate pdf file. Next, attach your civil cover sheet or appropriate attachments to your Notice of Removal as instructed by Local Rule CV 81.

Complaints and Other Init 1:10-cv-00002 Johnson v. Ande		
Select the pdf document and any	attachments.	
Main Document	K	
N:\sf-71.PDF	Browse	
Attachments	Category	Description
1. N:\test1.pdf	Browse Civil Cover Sheet	Remove
2.	Browse	×
Next Clear		
×		

Click *<*Next*>* to continue.

13. You are presented with an *Application to Proceed Without Prepayment of Fees* screen. Answer Y/N and click <**Next**> to continue.

2	SECF	C <u>i</u> vil →	Crimi <u>n</u> al <del>▼</del>	<u>Q</u> uery	Reports 🝷
	and the second		tiating Docum	ents	
6	5:10-cv-00010 \	v. Clark et al			
Is	s this filed with	an Application to	o Proceed Without	Prepayment	t of Fees Y/N?
0	r				
Is	s this complaint	filed on behalf o	of the USA Y/N? N		
(	Next Clear				

14. A warning screen is displayed. Click *<*Next*>* to continue.



15. The fee is displayed. Click the **<Next>** button to continue.



16. The Pay.gov payment screen is shown. Enter your appropriate information.

Online Payment					Return to y	our originating	g application	
Step 1: Enter Paymen	t Information						1   2	
Pay Via Plastic Card (PC	(ex: American Exp	oress, Dine	rs Club, Dis	cover, Master	card, VISA	()		
Required fields are indi	cated with a red aste	erisk *						
Account Holder Name:	Seagull Galveston	*						
Payment Amount: \$		_						
Billing Address:	211 W. Ferguson Roo	m *						
Billing Address 2:								
		-						
City:			1000					
State / Flovince.			*					
Zip / Postal Code:	75702							
Country:	United States		× *					
country.		VISA		DISCOVE	R			
Card Type:	~	* 134		Down Chil	4			
Card Number:		* (Card n	umber value sh	ould not contain s	paces or dash	ies)		
Security Code:	* Help finding you	ur security code						
Ē	×*/ ×*	1						
Expiration Date:								

Online Payment		Return to your originating application
Step 2: Authorize Payment		1   2
Payment Summary Edit this informa	ation	
Address Information	Account Information	Payment Information
Account Holder Name: Seagull Galveston	Card Type: Master Card Card Number: *******5100	Payment Amount: \$1.00 Transaction Date 12/07/2007 16:45
211 W. Ferguson Billing Address: Room 106	Expiration Date: 9 / 2012	and Time: EST
Billing Address 2:		
City:		
State / Province:		
Zip / Postal 75702 Code:		
Country: USA		
Email Confirmation Receipt		
To have a confirmation sent to you upon	n completion of this transaction, provide an	email address and confirmation below.
Email Address:		
Confirm Email Address:		

Authorization and Disclosure	
Required fields are indicated	with a red asterisk *
I authorize a charge to my card a	account for the above amount in accordance with my card issuer agreement. $\square$ *
Press the "Submit Payment" E	Button only once. Pressing the button more than once could result in multiple transactions.           Submit Payment         Cancel
	site using your browser's Back Button - this may lead to incomplete data being transmitted . Please use the links provided whenever possible.

After you have verified that all the information is correct, check the authorization box and then click the Submit Payment button.

\*\*\*\* Only Click the Submit Payment button **ONCE** - Your card may be charged multiple times if you click more than once. \*\*\*\*

Your payment will be confirmed and you will be returned to CM/ECF.

17. Modify the Complaint screen as appropriate. Example: Complaint 28:1331 etc.

Click the Next button to continue.

24				/					
SECF	Civil	•	Criminal •	Query	•	Reports	•	Utilities	•
Complaints and Other Initia 6:07-cv-05016 Johnson v. Provine	-	Docu	ments						
Docket Text: Modify as Appropriate. COMPLAINT Skippy Johnson. (Attachments: # (	1) Civi		inst David Provine r Sheet) (Galvesto		e\$1re	eceipt number	154437	.) , filed by	
Next Clear									

18. Review the final text and click the Next button to continue.

<b>BECF</b>	Civil	•	Criminal	•	Query	•	Reports	•	Utilities	•
Complaints and Other Initi 6:07-cv-05016 Johnson v. Provin		ocume	ents							
Docket Text: Final Text COMPLAINT against David P (Attachments: # (1) Civil Cove		-			umber 1	54437.)	, filed by Sk	ippy Jo	ohnson.	
Attention!! Pressing the NEXT bu modify this transaction if you cont Next Clear		is scree	n commits t	his tra	nsaction. Y	'ou will	have no furth	ier oppo	ortunity to	

19. Congratulations! The case is now filed. The notice of electronic filing screen is displayed.





20. E-mail the prepared summons to the appropriate e-mail account (See email table in the filing summary at the beginning of this document for the appropriate office.) You will receive the return summons via e-mail....

21. You many now continue to docket other motions or pleadings etc.

## Appendix A

If unsure on how to enter a party name, please contact the clerk's office for guidance.

#### 1. **Omit the word "The."**

Examples: The Enrich Company, Inc. Last Name: Enrich Company, Inc.

The City of Toledo Last Name: City of Toledo

#### 2. Social Security Cases. Always enter party name as Commissioner of Social Security.

Examples: Department of Health and Human Services Jo Ann B. Barnhart, Commissioner of Social Security Social Security Commissioner Secretary of Health and Human Services

Last Name Field: Commissioner of Social Security

3. **John Does.** If the complaint includes numerous John Does, add as one party name. Never add the numbers, letters or roman numerals to the party name. Always add as party text.

Examples:	
John Doe I-X	
Last Name Field:	Doe
First Name Field:	John
Party Text:	I-X

John Doe Police Officers 1-10Last Name Field:DoeFirst Name Field:JohnParty Text:Police Officers 1-10

## 4. Estates

Example:The Estate of James P. Sentinel by Joseph SmithLast Name Field:SmithFirst Name Field:JosephParty Text:Executor of the Estate of

Create Alias: Last Name Field: Sentinel First Name Field: James Middle Name Field: P. Alias Code: dec

## 5. Individuals with Titles

Example:

James S. Haviland, Warden of Allen Correctional InstitutionLast Name Field:HavilandFirst Name Field:JamesMiddle Name Field:S.Party Text Field:Warden of Allen Correctional Institution

#### 6. Unknown Names

Example: Unknown Spouse of Kenneth M. Keller, If any

Last Name Field: Unknown Spouse, if any, of Kenneth M. Keller

## 7. Union Names

Example: Building Laborers Local 310 Pension Fund Last Name Field: Local 310 Building Laborers Pension Fund