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 **entire** process. You will open the new civil case **and** 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, **never** click the back button once you begin the filing process or your information may be lost and your credit card may be billed twice.[*]

<div style="background:black;color:white;padding:1em;text-align:center;font-weight:bold">
Never click the back button once you begin the filing process
</div>

FILING SUMMARY:

1. Open case with attached complaint and civil cover sheet. If you file the initial document with an accompanying *Motion to Proceed Informa Pauperis*, **do not** 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:
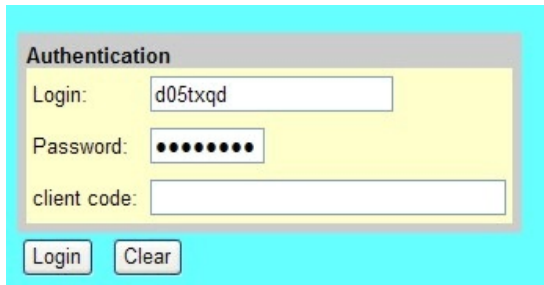
Tyler	newcasetyl@txed.uscourts.gov
Beaumont	newcasebmt@txed.uscourts.gov
Marshall	newcasemsh@txed.uscourts.gov
Lufkin	newcaseluf@txed.uscourts.gov
Sherman	newcaseshm@txed.uscourts.gov
Texarkana	newcasetxk@txed.uscourts.gov

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

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*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.
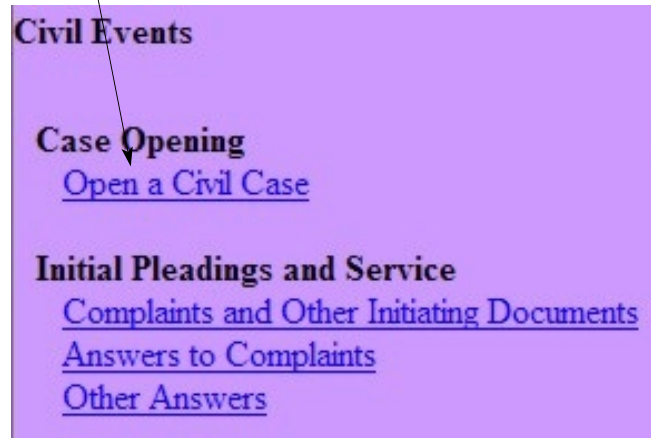

2. Click the Civil link located at the top left corner of your screen.

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

Civil Events

Case Opening
  Open a Civil Case

Initial Pleadings and Service
  Complaints and Other Initiating Documents
  Answers to Complaints
  Other Answers

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 Civil Case

Office [Beaumont ▾]   **Case type** [cv ▾]   **Case number**

Date filed
  Beaumont
  Marshall
  Paris
Lead case Sherman
  Texarkana   **Association type** [consolidated   ▾]
Other co Tyler
  Lufkin

Other court number [   ]

  ☐ **Related cases**

[Next]   [Clear]

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.

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.

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

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.

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.

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.

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.

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.

8. You are now ready to docket the lead event. Click the Docket Lead Event? hyperlink. You must docket the lead event.
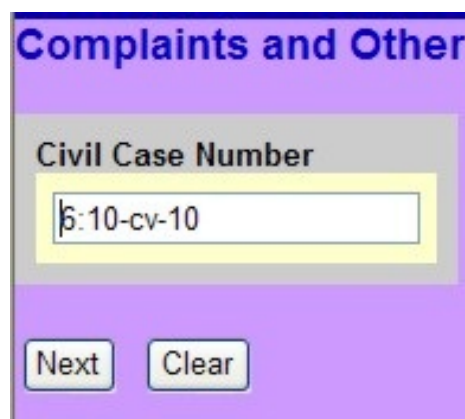
Choose the event from the drop down box and click **<Next>**.

9. The case number will be displayed. Do **not** change this number. Click **<Next>.**
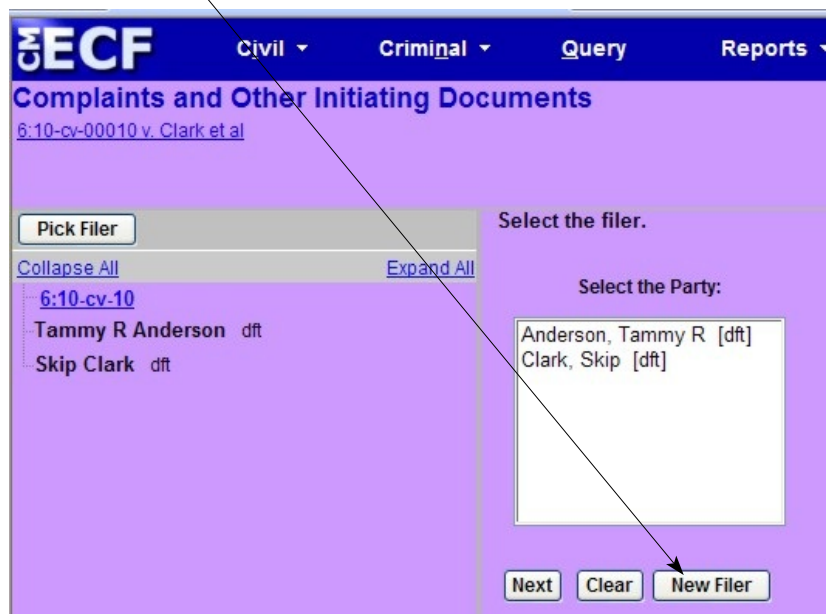
You are presented with a confirmation screen. Click **<Next>.**

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>.**

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

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

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.

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.

 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.

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.

CM ECF   Civil • Criminal • Query • Reports • Utilities

Online Payment   Return to your originating application
Step 2: Authorize Payment   1 | 2

Payment Summary   Edit this information

Address Information	Account Information	Payment Information
Account Holder Name: Seagull Galveston	Card Type: Master Card	Payment Amount: $1.00
Billing Address: 211 W. Ferguson Room 106	Card Number: ************5100	Transaction Date 12/07/2007 16:45 and Time: EST
Billing Address 2:	Expiration Date: 9 / 2012	
City:		
State / Province:		
Zip / Postal Code: 75702		
Country: USA		

Email Confirmation Receipt
To have a confirmation sent to you upon completion of this transaction, provide an email address and confirmation below.

Email Address: [   ]
Confirm Email Address: [   ]
CC: [   ] Separate multiple email addresses with a comma

Authorization and Disclosure
Required fields are indicated with a red asterisk *

Authorization and Disclosure

Required fields are indicated with a red asterisk *

I authorize a charge to my card account for the above amount in accordance with my card issuer agreement. ☐ *

Press the "Submit Payment" Button only once. Pressing the button more than once could result in multiple transactions.

[Submit Payment] [Cancel]

Note: Please avoid navigating the site using your browser's Back Button - this may lead to incomplete data being transmitted and pages being loaded incorrectly. Please use the links provided whenever possible.
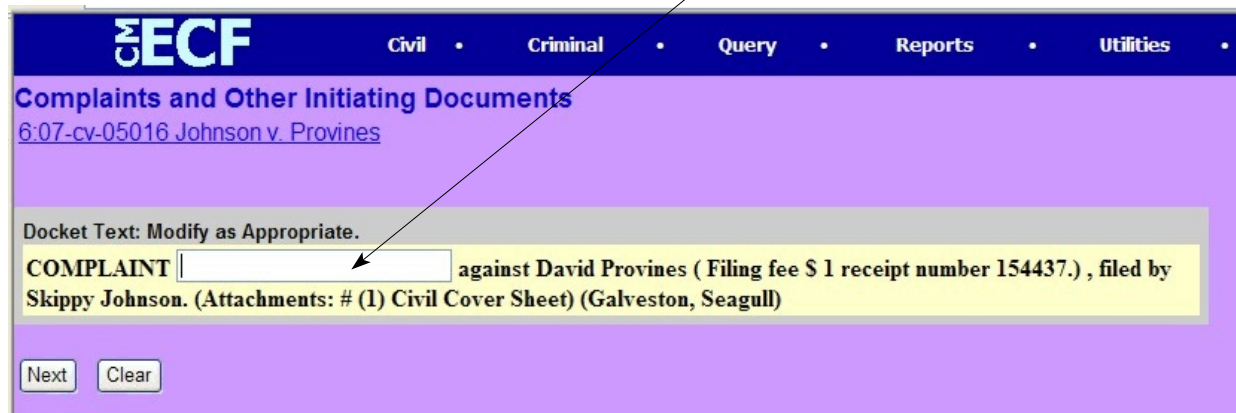
After you have verified that all the information is correct, check the authorization box and then click the Submit Payment button.

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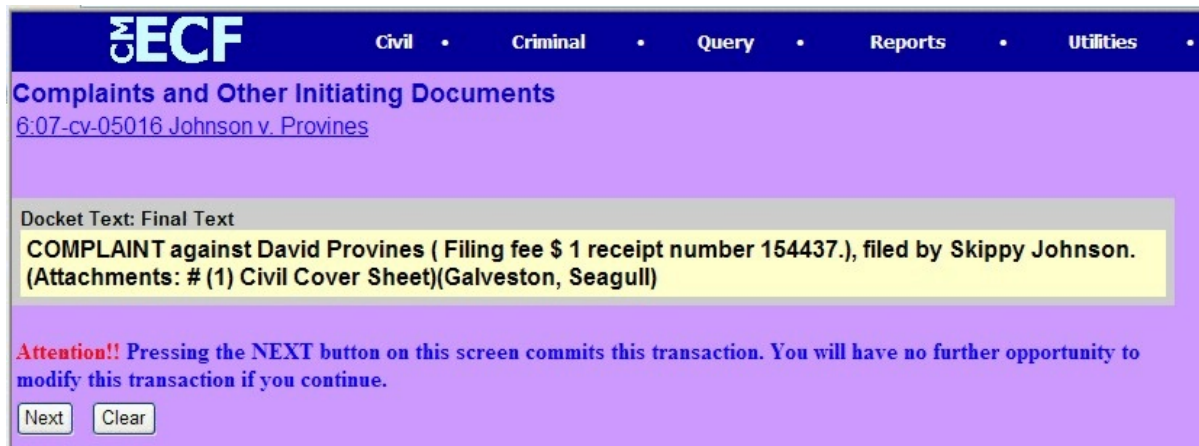
17. Modify the Complaint screen as appropriate. Example: Complaint 28:1331 etc.

Click the Next button to continue.

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

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 1-10
     Last Name Field: Doe
     First Name Field: John
     Party Text: Police Officers 1-10

4.   **Estates**

     Example: The Estate of James P. Sentinel by Joseph Smith
     Last Name Field: Smith
     First Name Field: Joseph
     Party 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 Institution
       Last Name Field: Haviland
       First Name Field: James
       Middle 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