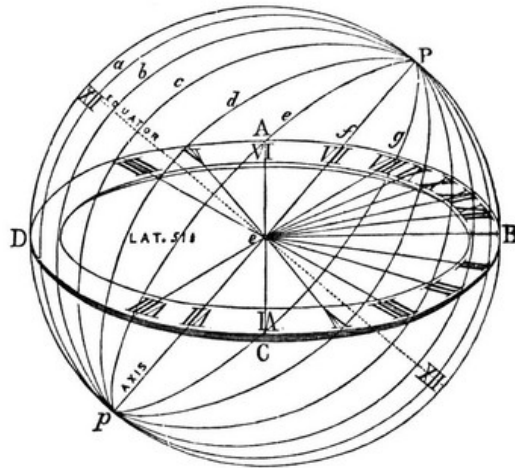# The Attorney's "How To" Guide for

– Civil Case Opening –

Texas Eastern District Court
January 11, 2008

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.[*]

> **Never click the back button once you begin the filing process**

FILING SUMMARY:

1. Open the case and then file your Complaint or Notice of Removal with your civil cover sheet. If you are going to file a motion to *Proceed Informa Pauperis*, **do not** file the motion/application 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:
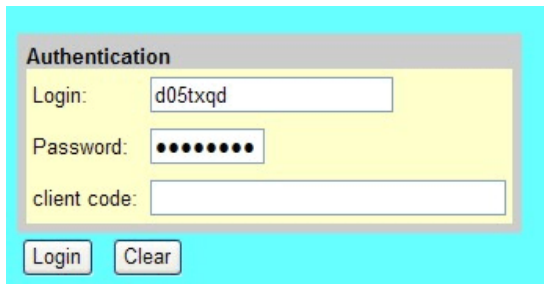
Tyler	newcasetyl@txed.uscourts.gov
Beaumont	newcasebmt@txed.uscourts.gov
Marshall	newcasemsh@txed.uscourts.gov
Lufkin	newcaseluf@txed.uscourts.gov
Sherman	newcaseshm@txed.uscourts.gov
Texarkana	newcasetxk@txed.uscourts.gov

3. Issued 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.
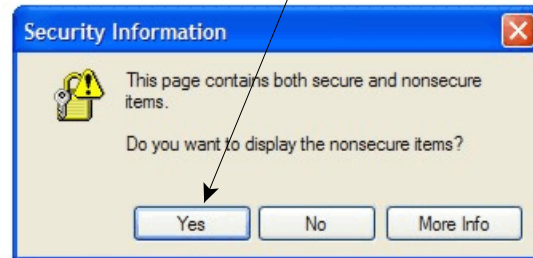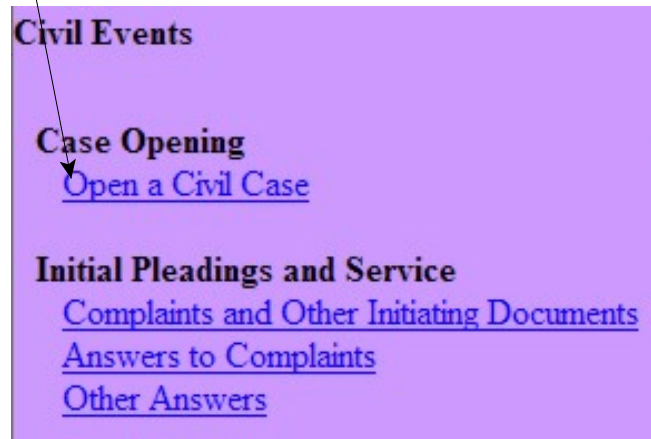

2. Click the Civil link located at the top left corner of your screen.

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

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.

5. Using your civil cover sheet as a guide, fill in the blanks. Enter **Jurisdiction, Nature of Suit, Cause of Action, Origin, Jury Demand, Dollar Demand*** in thousands of US dollars and **County** of the filing party as you would on the Civil Cover Sheet. **Citizenship plaintiff** and **Citizenship defendant** are only necessary for cases with jurisdiction based on diversity of citizenship. **Fee status** and **Fee date** should be left unchanged. **Date transfer** should always be left blank, as should **Arbitration Code**. 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.

> ***Please Note that the Dollar Demand is in Thousands of Dollars.**
> **Enter 75 for $75,000, 1000 for One Million dollars etc.**
> **(This field is optional)**

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. Type the last name or company name or the first few letters of the last name and click the Search button.

You are presented with the party search results screen. If the party exists, select it and click the Select name from list button. If the party does not exist, click the Create new party button.

CM/ECF   Civil   •   **Criminal**   •

Search for a party

Last/Business name [   ]

[Search] [Clear]

Party search results

Johnson, Gary
Johnson, Jimmy
Johnson, Johnny
Johnson, Michael
Johnson, Robert
Johnson, Sam

[Select name from list]   [Create new party]

The following screens assume that you are adding a new party and clicked Create new party. If you are selecting an existing party, skip to section 6a. Note the Role of the party *always* defaults to defendant (dft), please make sure to use the drop down box to choose the correct party role.

Change **Role** to Plaintiff or Defendant as appropriate. If the party is represented by counsel, only enter the party's name (do not add 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", "also known as", "doing business as", "on behalf of" etc.), you may add it now by clicking the Alias button ; otherwise, click Submit to continue. To add an alias,

(a) Enter Last/Business name of alias to search for a match.
(b) Click Search.
(c) If a matching name appears, click on the name to review information for an identical match.
(d) If there is a match click on Select name from list.
(e) If there is not a match, click on Create new alias.

(f) For individuals enter the complete name; for businesses enter the entire business name in the

Last name field.
(g) Select **Role** (aka, dba) from the drop down box
(h) Click on Add alias

Click Submit if you are finished adding the new party.

You now have the opportunity to continue adding parties or ending the party selection process. Click the End party selection button if you are finished selecting parties or search for another name.

6a. Selecting an existing party. If you find that the name already exists, highlight that name then click the Select name from list button. Note the Role of the party *always* defaults to defendant, please make sure to use the drop down box to choose the correct party role.

Change the Role if necessary but do not modify or add any other information.

If an address appears for the selected party that does not correspond to your party, you may break the back button rule and click your browsers' back button. Click the **Create new party** button and add your party. Follow the instructions beginning at step 6.

Click the Submit button to continue.

Repeat the process of adding parties as necessary and click the End party selection when you are ready to continue opening the case.

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

CM ECF Civil •

Open a Civil Case

Case Number 07-5016 has been opened.

<u>Docket Lead Event?</u>
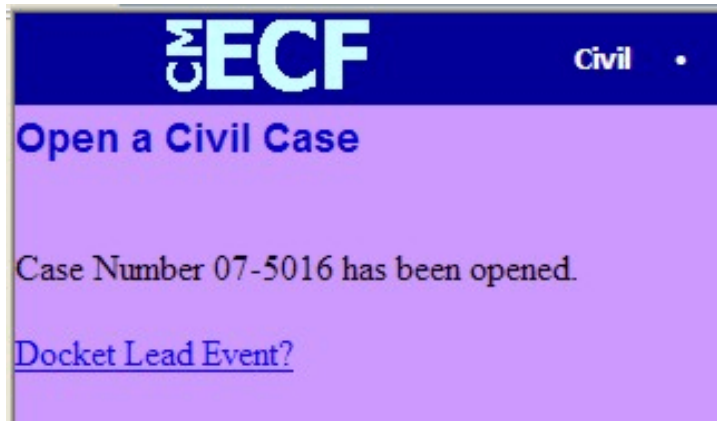
Choose the event from the drop down box and click **Next**.....

CM ECF Civil • Criminal

Complaints and Other Initiating Documents

Complaint

Amended Complaint
Application for Writ of Garnishment
Complaint
Counterclaim
Crossclaim
Intervenor Complaint
Third Party Complaint
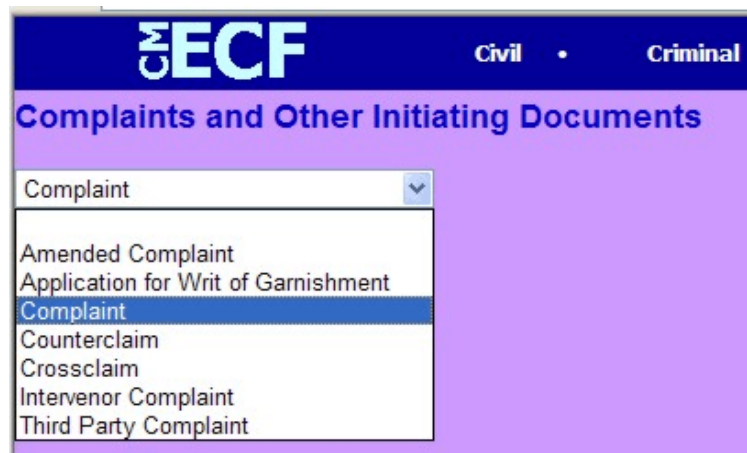
8. The case number will be displayed. Do not change this number. Click Next.

Complaints and Other Initiating Documents

Case Number

07-5017   99-12345, 1:99-cv-12345, 1-99-cv-12345, 99cv12345, or 1:99cv12345

Next   Clear
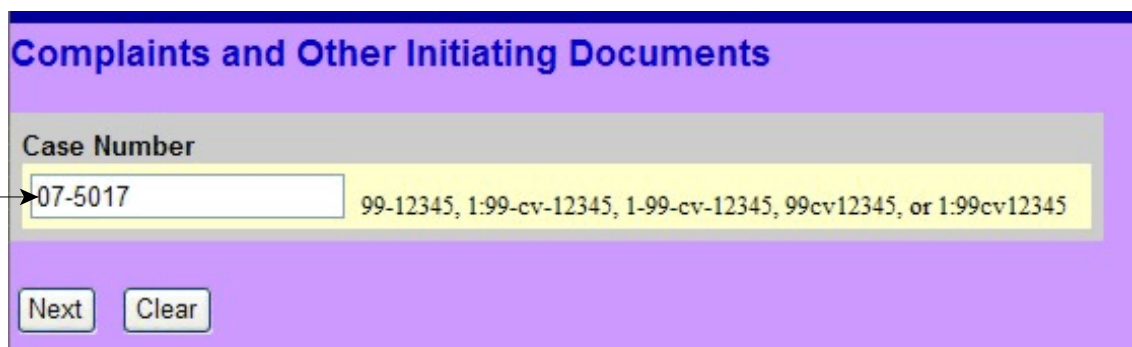
You may be presented with a screen that asks you to select the corresponding division number with the case number. The division numbers are: 1- Beaumont, 2-Marshall, 4-Sherman, 5-Texarkana, 6-Tyler, 9-Lufkin. Simply check the correct number and click Next.

You are presented with a confirmation screen. Click the Next button.

9. Choose the filer. Click Next.

10. You may see this screen concerning attorney/party associations. Follow the instructions on the screen. Never uncheck the Notice box or you will not receive notice in this case. Check the Lead box if you are the lead attorney in the case. Click Next.

11. Select the party that this filing is **against**. Click Next. It may take a little time to process.

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.
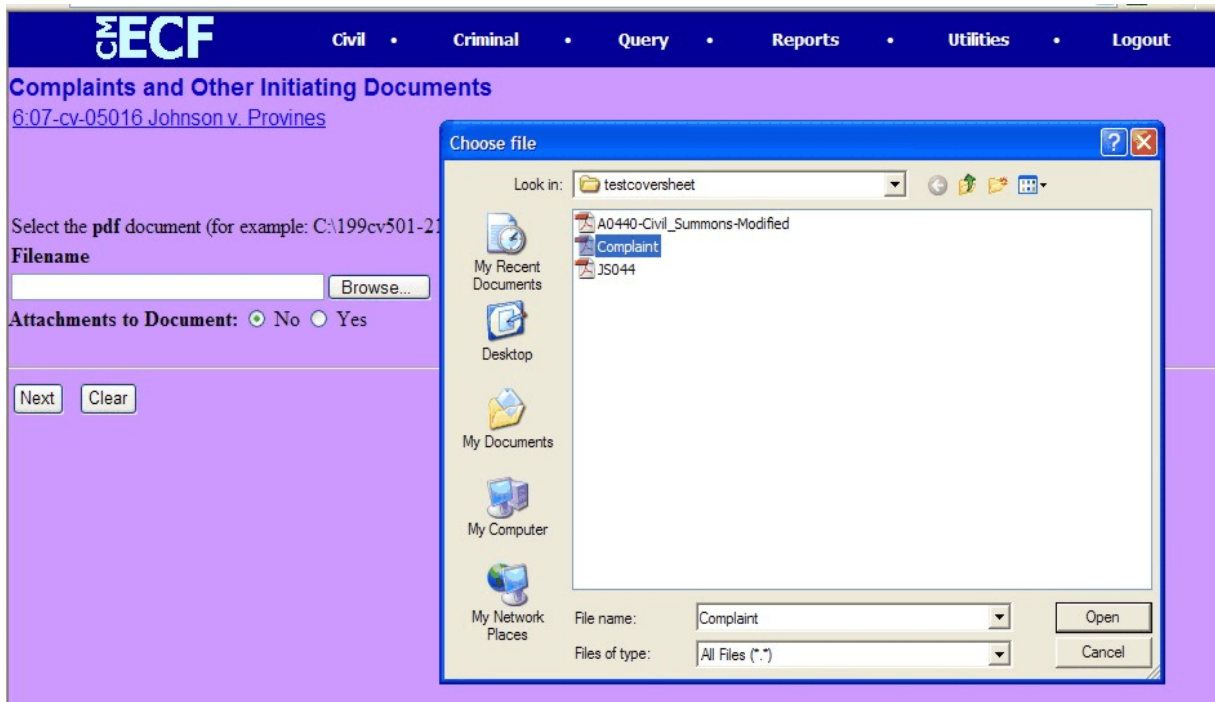
Make sure the Yes button is clicked in add attachments. This will allow you to attach the civil cover sheet to the complaint or the appropriate attachments to your Notice of Removal as instructed in Local Rule CV 81. Click the Next button to continue.
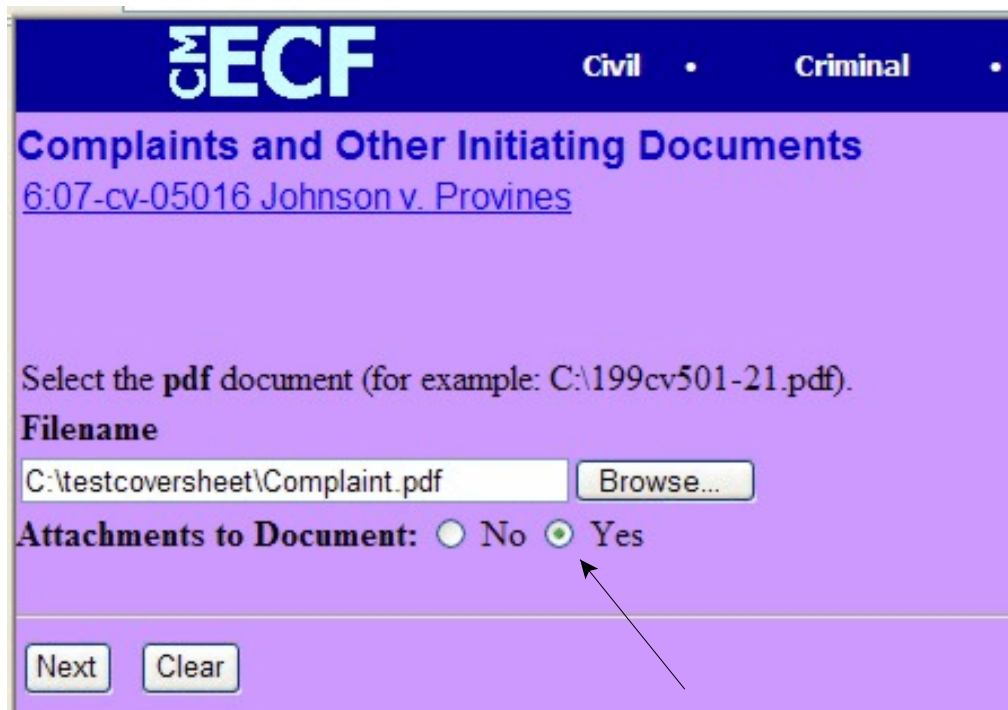
13. There are three steps to add attachments:

1.   Click the Browse button and navigate to the directory containing your pdf document.
2.   Describe the document using the drop down category box, adding free text to the description box or a combination of both.
3.   Click the Add to List box. This will attach your document to the current docket entry. *If you do not add your document to the list, it will not be filed. After clicking the Add to List button, please wait for your document to upload to the CM/ECF server. This make take a few minutes. You will know it has been uploaded and you are ready to proceed when you see your document listed in the white box below step 3 on the screen. See the screenshot below.*
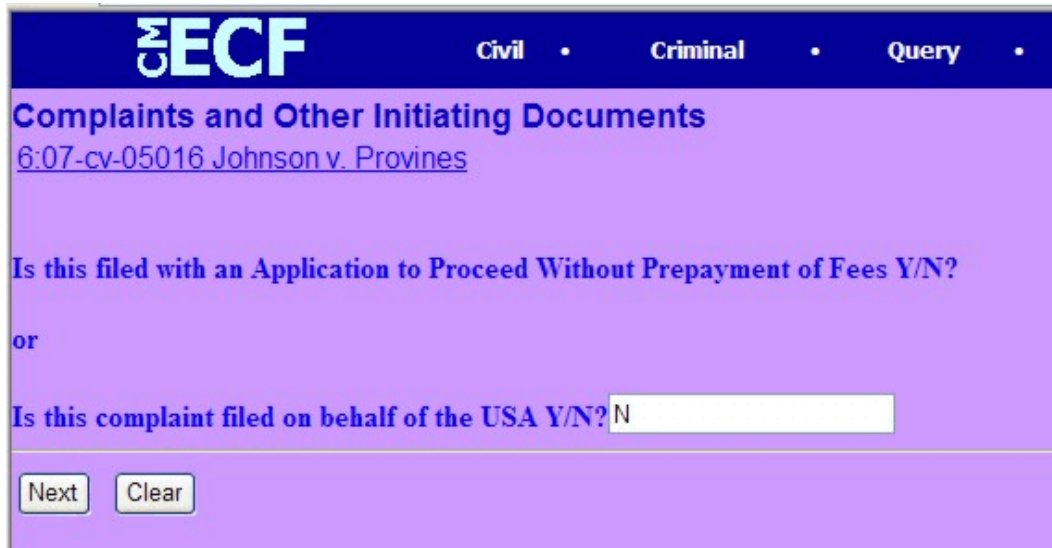
Repeat steps 1-3 for additional attachments. Click Next to continue.

14. You are presented with an Application to Proceed Without Prepayment of Fees. Answer Y/N
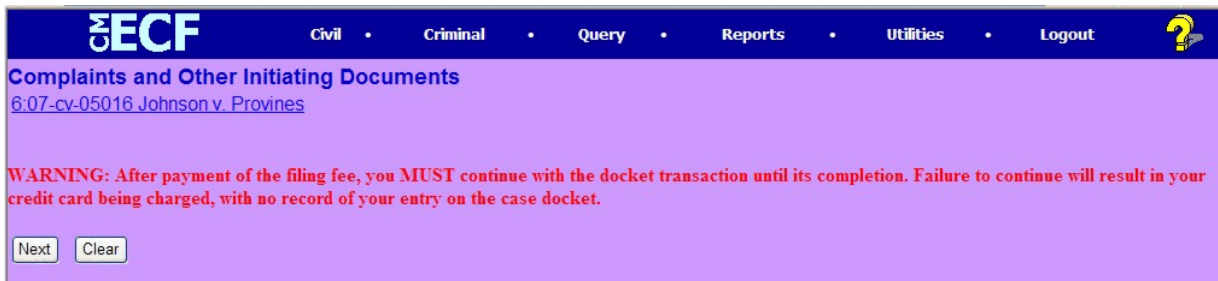Click Next to continue.

15. A warning screen is displayed. Click the Next button.

16. The fee is displayed. Click the Next button to continue.

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

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.

18. Edit the Complaint screen if necessary. Example: Complaint 28:1331 etc.

Click the Next button to continue.

Complaints and Other Initiating Documents
6:07-cv-05016 Johnson v. Provines

Docket Text: Modify as Appropriate.
COMPLAINT [   ] against David Provines (Filing fee $ 1 receipt number 154437.) , filed by Skippy Johnson. (Attachments: # (1) Civil Cover Sheet) (Galveston, Seagull)

Next   Clear

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

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

21. 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 issued summons via e-mail....

22. 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 in the Party Text field.

    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