



Eastern District of Michigan CM/ECF E-News

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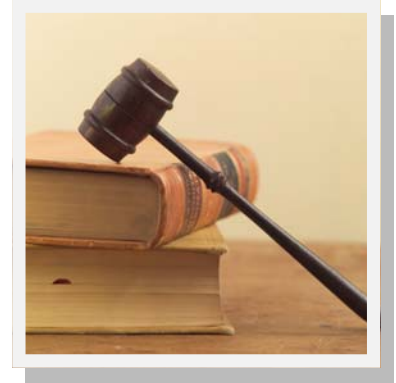
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Attorney Withdrawals Require Order

Local Rule 83.25(b)(2) requires attorneys to obtain an order from the court before withdrawing from a case. CM/ECF has been modified to accommodate the local rule. The CM/ECF events “Withdrawal of Attorney” and “Attorney Substitution” can still be used to file documents, however, attorneys will no longer be able to remove themselves from a case.

In addition to the changes described above, filing users will notice that when filing responses and replies, the attorney may be prompted to add themselves to the case. This change comes about in order to conform to LR 83.25(a) which states in part, “an attorney appears and becomes an attorney of record by filing a pleading or other paper or a notice of appearance.”

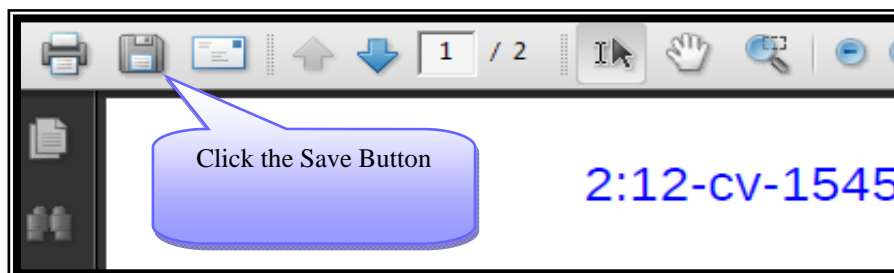


Save Your Documents!



Filing users receive Notices of Electronic Filing (NEF) in their cases daily. These NEFs contain a link to view the document that was filed one time for free. After this free look the document is available on PACER to view for a fee. Many filing users are under the impression that once they view a document through the NEF, they have to go back to PACER every time to view it again. While this is an option, the cost of viewing a document after the initial view can be remedied by saving the document to your local or network drive during that first free look.

To save a PDF document, click the save button, or File-Save As, and save it to a folder on the computer as you would any other document. This way the document is available for future reference without having to access PACER or incur additional PACER fees.





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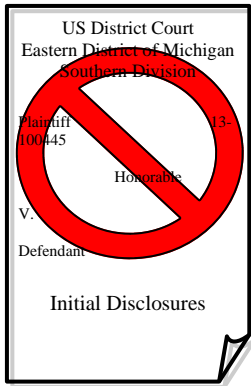
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Discovery Continues to be #1 E-Filing Error

With the implementation of e-filing came the ability for attorneys to file documents on their own. No longer were papers coming across the counter where court staff could review them and reject documents such as discovery that were not allowable by court rule. Because the CM/ECF system is a self serve type of filing system attorneys have the ability to file any document they wish. Most of the filings are accurate and appropriate, however, there is one problem that continues to exist and that is filing of discovery documents such as Initial Disclosures, Requests to Admit, Deposition Transcripts, and certificates of service on these documents. Attorneys continue to file these documents using generic events within CM/ECF despite LR 26.2 which specifically prohibits the filing of discovery. The Local Rule states in its entirety:



LR 26.2 Filing Discovery Material

- A. A party or other person may not file discovery material specified in Fed.R.Civ.P. 5(d)(1) and certificates of service for such discovery material except:
- 1) when it provides factual support for a motion, response or reply. The party or other person relying on the material must file only the germane portion of it as an exhibit or attachment to the motion, response, or reply.
 - 2) when it is read or otherwise used during a trial or other proceeding. The party or other person relying on the material must file it at the conclusion of the trial or other proceeding in which it was used or at a later time that the court permits,
 - 3) on order of the court.
- B) if discovery material not previously filed is needed for an appeal, the party or other person with custody of the discovery material must file it either by stipulation or court order.
- C) Deposition material must be filed in written form. A written transcript of an audio taped or videotaped deposition will be accepted.
- D) The originating party or other person must maintain discovery material for six months after expiration of the last applicable appeal period, or until the court directs otherwise.
- E) If the court orders filing, the party or other person with custody of the discovery material must file it within 14 days of service of the order.

COMMENT: Documents filed electronically must comply with the Court's ECF Policies and Procedures ([Appendix ECF](#) to these rules).

At the October 2008 Judges' Meeting, the Court authorized the Chief Judge to enter Administrative Order No. [08-AO-047](#) directing the Clerk to correct LR 26.2(a) to include "certificates of service for such discovery material" among those items that may not be filed *nunc pro tunc* to April 1, 2008.



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Non-Compliance Review

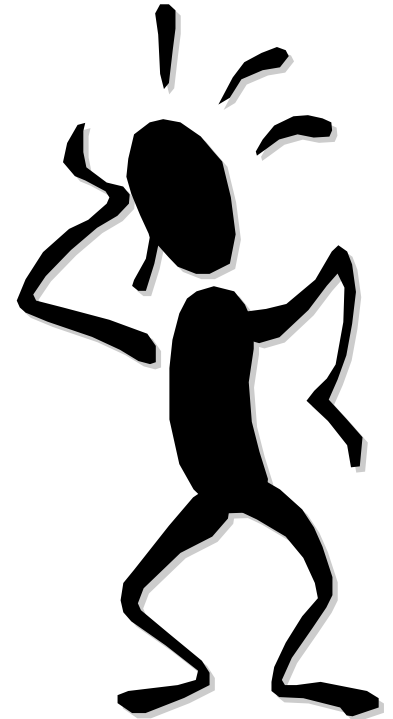
The Procedure to Address Non-compliance with ECF Policies and Procedures was revised in September 2009, it is always a good idea to familiarize yourself with this procedure. The policy is Exhibit G to the ECF Policies and Procedures which can be found on the court's web site.

In general the policy allows an attorney to receive three notices of error in a six month period. After the third error, the Clerk's Office will notify the attorney of their errors. Upon the fourth violation within a six month period, the Chief Judge's designee may issue an Order to Show Cause directing the offending filing user to explain the offending conduct.

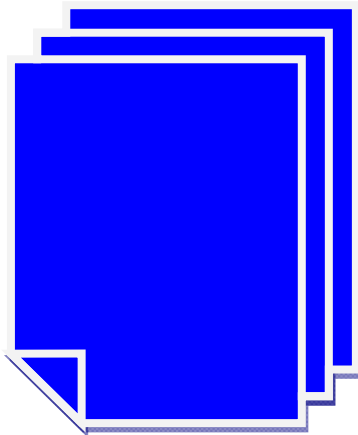
Some of the most common errors made by attorneys include:

- Filing Discovery or Certificates of Service on Discovery.
- Failing to keep email address up-to-date.
- Filing documents in the wrong case.
- Filing documents with advertisements in them.
- Failing to add parties to a new case.
- Choosing the wrong county during new case opening.

The best way to avoid receiving a Notice of Error is to review and consistently follow the ECF Policies and Procedures and the court's Local Rules.



Adobe Displays Blank Document



The court often receives calls from attorneys who click on the document link in the NEF and Adobe opens just a blank screen. Here are some tips that may solve this issue in the future:

1. Try to have Adobe already open before clicking the NEF.
2. If the NEF is set to be received in text format, the link may have wrapped to a second line which breaks the link. Copy and paste the entire address into the browser address field at the top of the screen.
3. Make sure Adobe is up to date with all security patches by opening Adobe, clicking on Help, and then clicking on Check for Updates.

If all of these options fail to fix the problem, contact PACER at 1-800-676-6856.