The Attorney's "How To" Guide for

– Civil Case Opening –

Texas Eastern District Court

January 21, 2011

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 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. If there is no *Motion to Proceed Informa Pauperis*, email the summons to the appropriate clerk's office as a PDF document. If a *Motion to Proceed Informa Pauperis* is filed, **do not** email the summons to the clerk's office until the judge has ruled on the motion. The case number must be clearly noted on the summons. The email addresses are listed below:

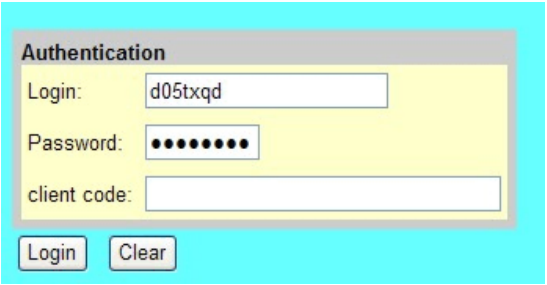
Tyler	newcasetyl@txed.uscourts.gov
Beaumont	newcasebmt@txed.uscourts.gov
Marshall	newcasemsh@txed.uscourts.gov
Lufkin	newcaseluf@txed.uscourts.gov
Sherman	newcaseshm@txed.uscourts.gov
Texarkana	newcasetxk@txed.uscourts.gov

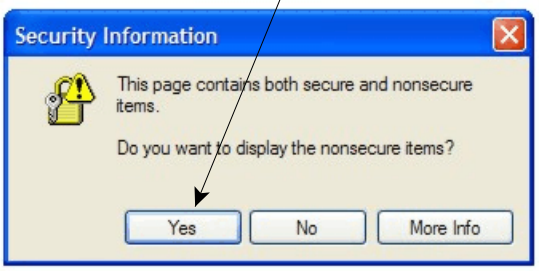
3. The summons will be returned to you via email.

*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:

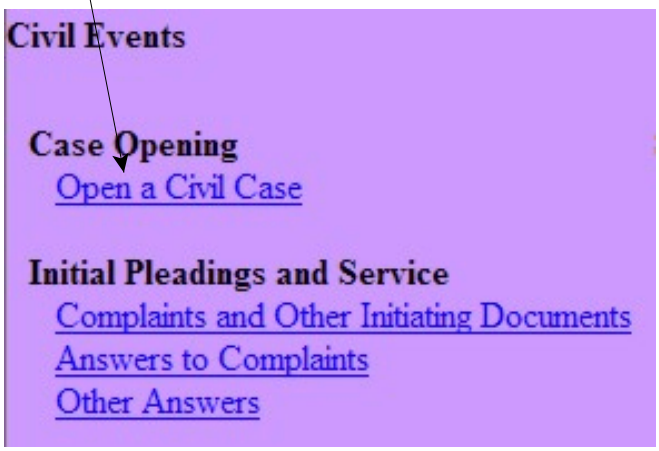
1. Log into CM/ECF using your court assigned login. Please note that your CM/ECF login and password is ***different*** from your PACER account. The direct link to CM/ECF is: https://ecf.txed.uscourts.gov If you receive a security warning, click the Yes button to continue.



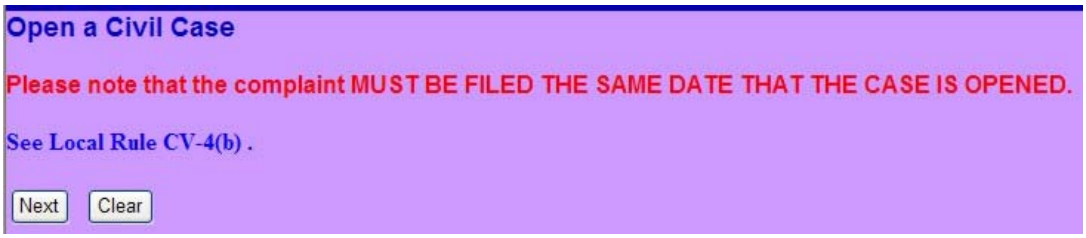


2. Click the Civil link located at the top left corner of your screen.

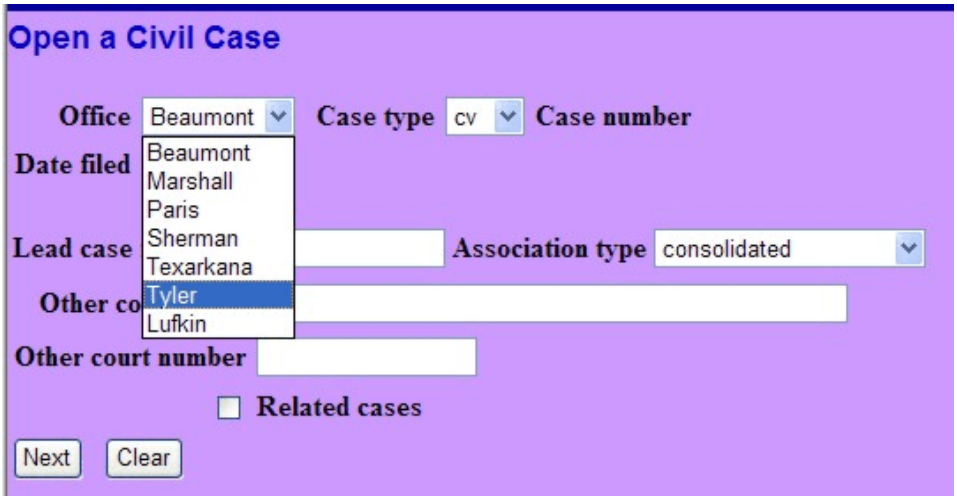
3. Click on the Open a Civil Case hyperlink, this is under the section, **Case Opening,** in the **Civil Events** category.



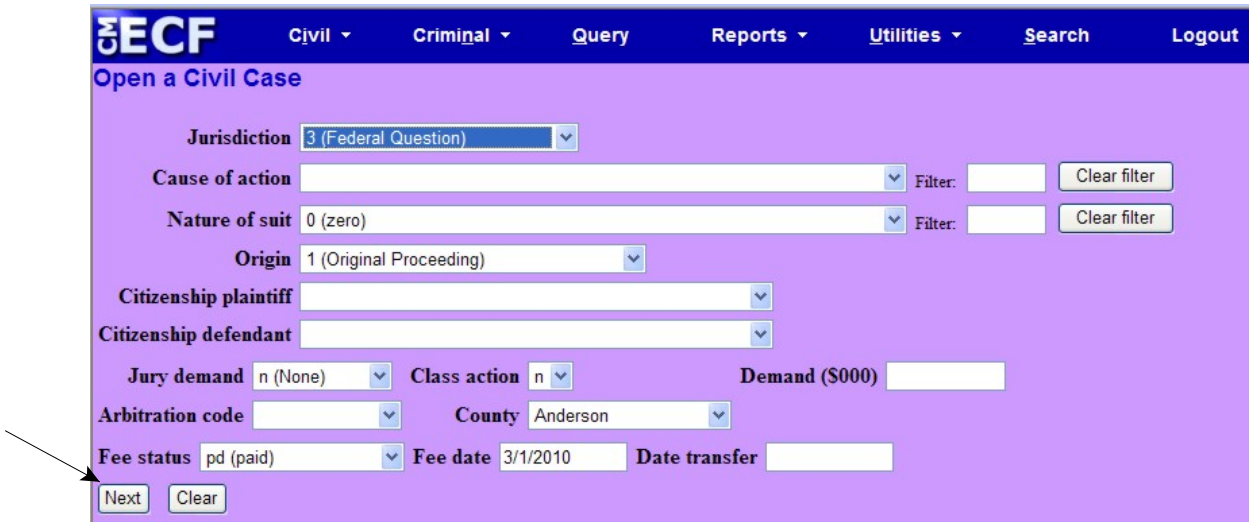
You will receive a notice that the complaint must be filed the same day that the case is opened. Click <Next> to continue.



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. 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-**

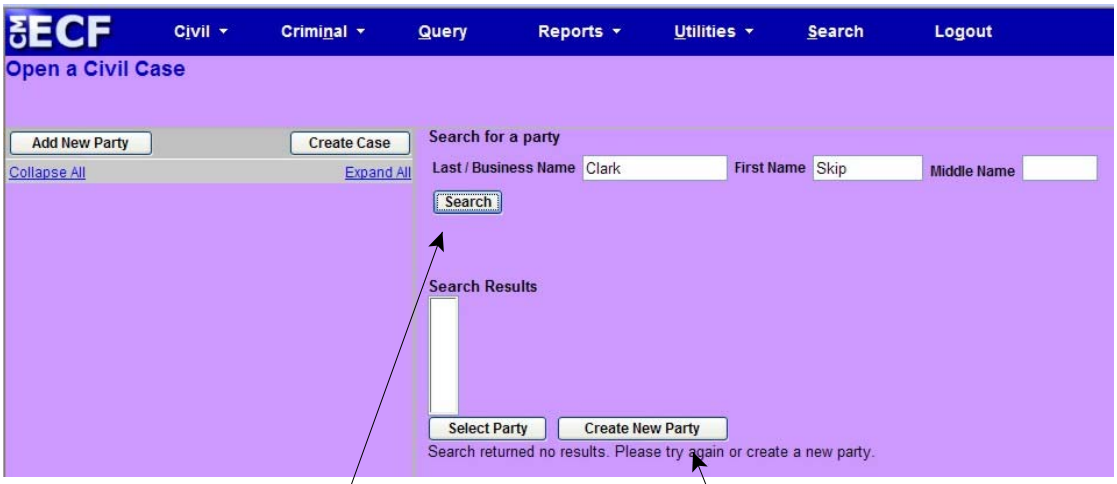
It is ***critical*** that you first search the database for existing parties. If you add a party that already exists, the database will soon be cluttered with duplicate names and it will become very difficult to query by name. Do not add party names in ALL CAPS. Please see Appendix A for Standard Party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

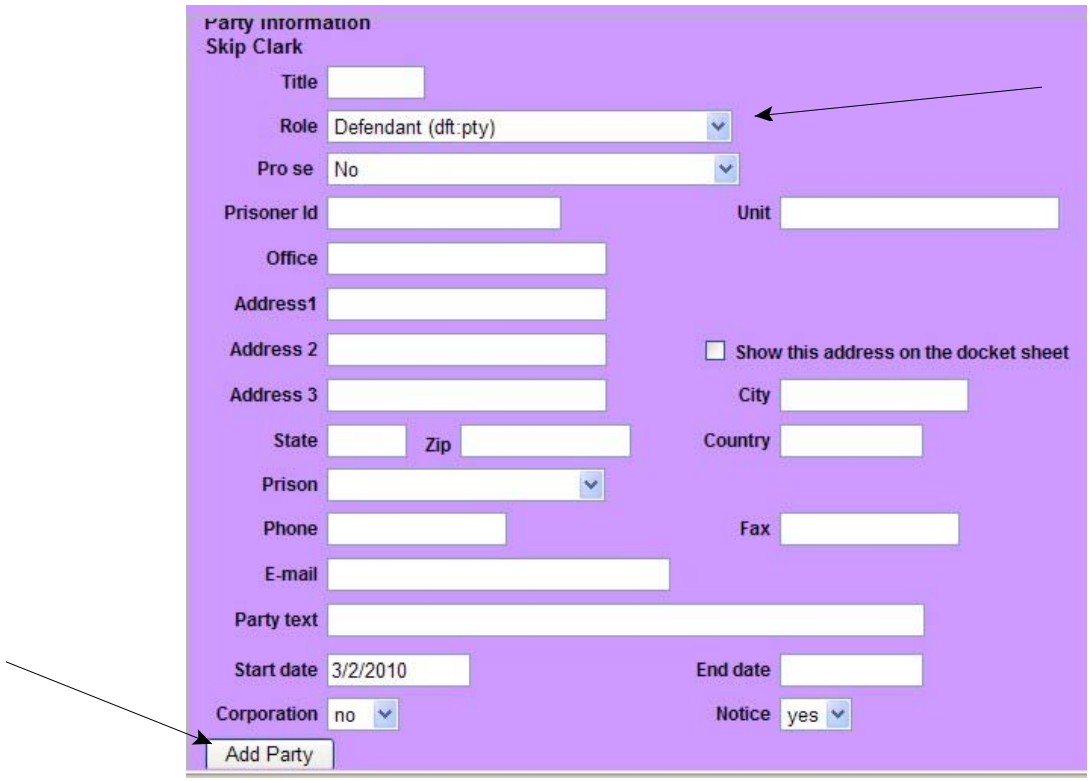
If the party doesn't exist in the database, you will see a screen with an empty Search Results window.



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**>.

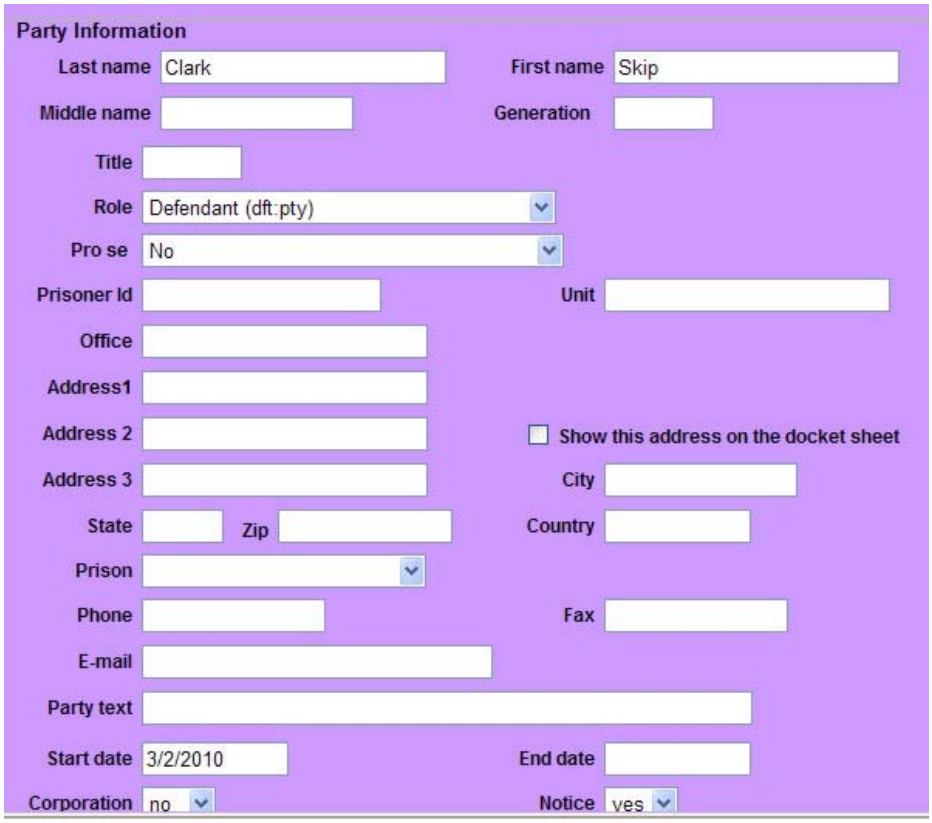


If the party isn't already in CM/ECF, a similar screen will appear. Select the role of the party (plantiff, defendant etc.) If the party is represented by counsel, only enter the party's name (do not add the address). If the party is anyone other than an individual, (i.e. a company, a university, a municipality, 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 Party**> to continue.



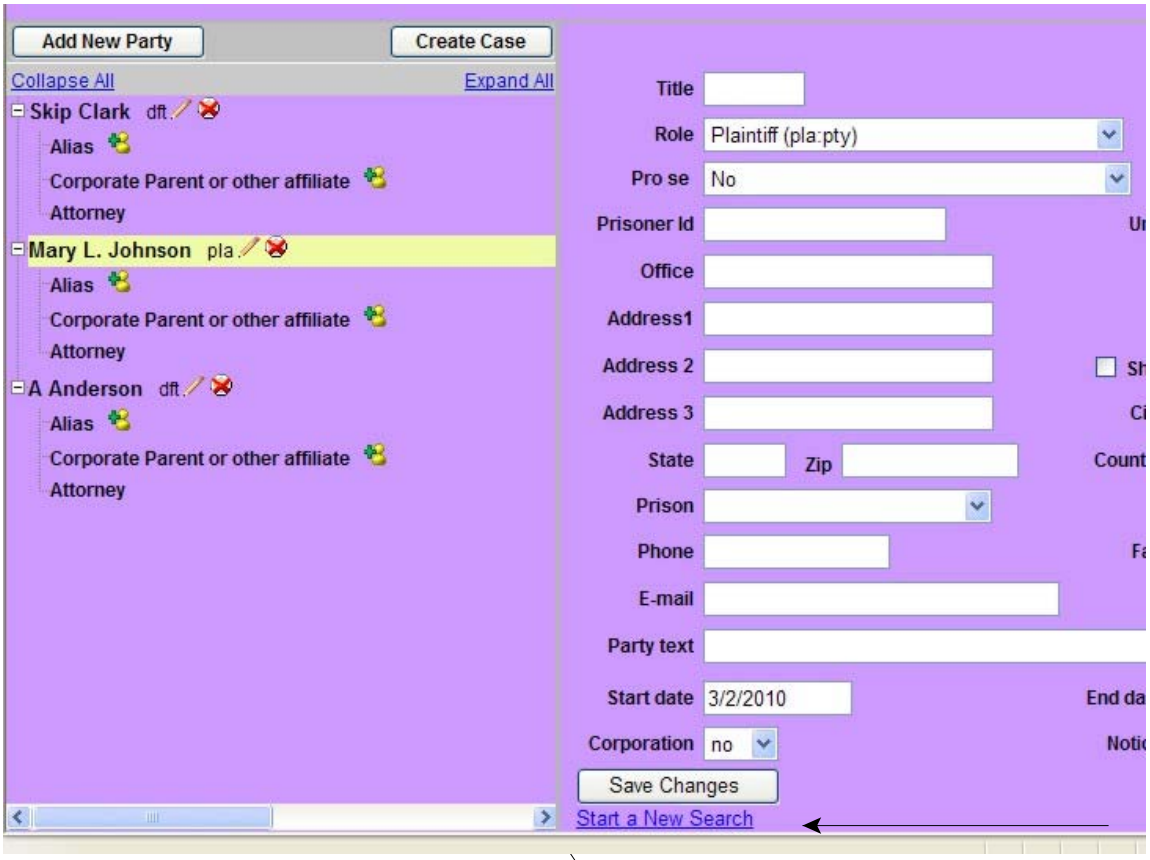
You will see the party's information appear in the left panel of your screen.. If you want to add another party, you must search for the party name again. If you click on the **<Add New Party>** button, you'll notice nothing happens. CM/ECF *forces* you to search for a party before you can add a new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

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

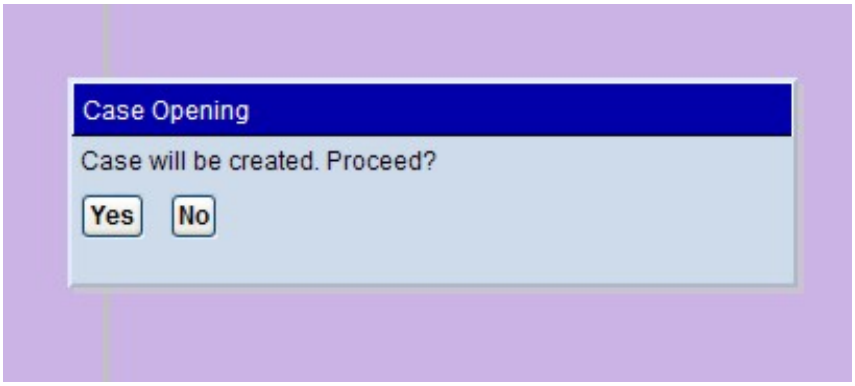
The party type defaults to defendant. If you accidentally add the party with the wrong party type, simply click the pencil icon to edit the party.

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.



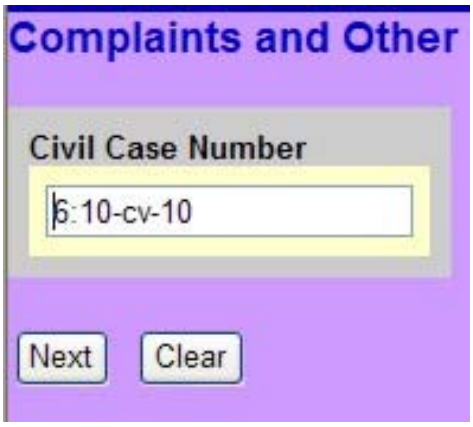
7. Once you have added all of your parties, click the <**Create Case**> button. You will be asked if you want to proceed. Click the **Yes** button.



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

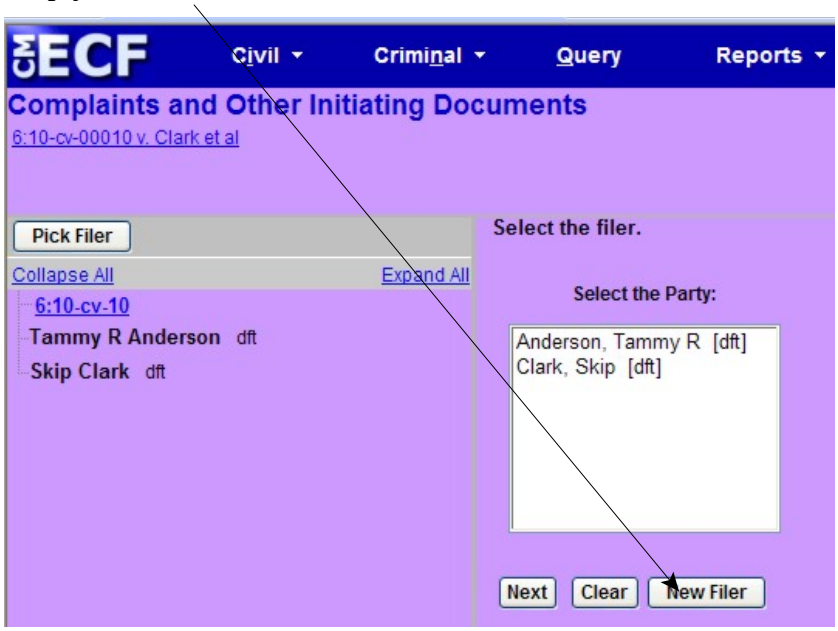
Choose the event from the drop down box and click **<Next>**.

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

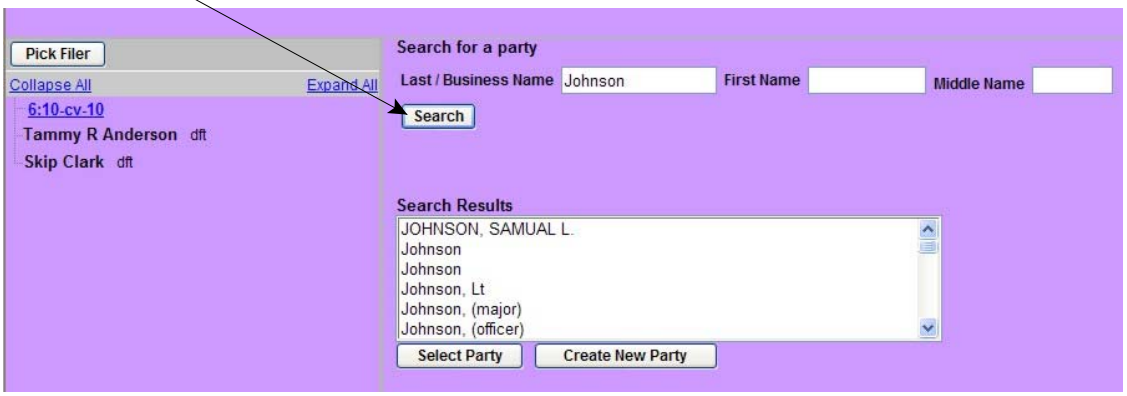


You are presented with a confirmation screen. Click **<Next>.**

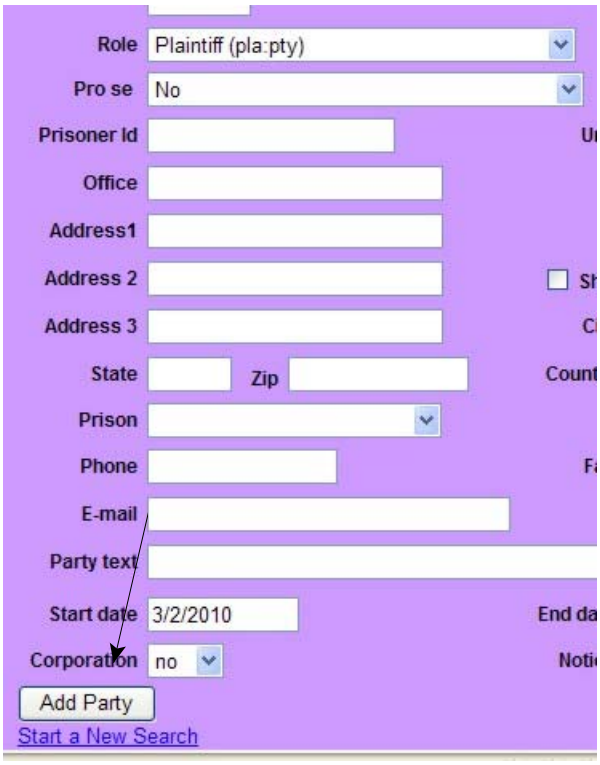
10. Select the filer by clicking on the party and then click **Next.** In this example, notice that the plantiff is missing from the party list. If you forgot to add a party earlier, you can still add parties now. Simply click on **<New Filer>.**



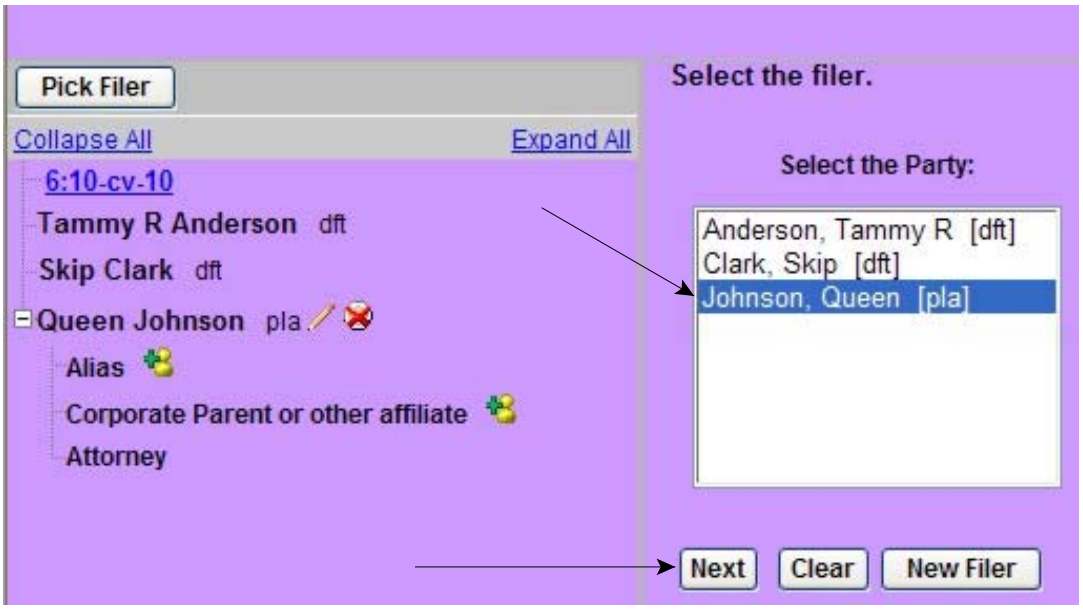
Remember that CM/ECF forces you to search for the party first. Enter the name of the party and click <**Search**>.



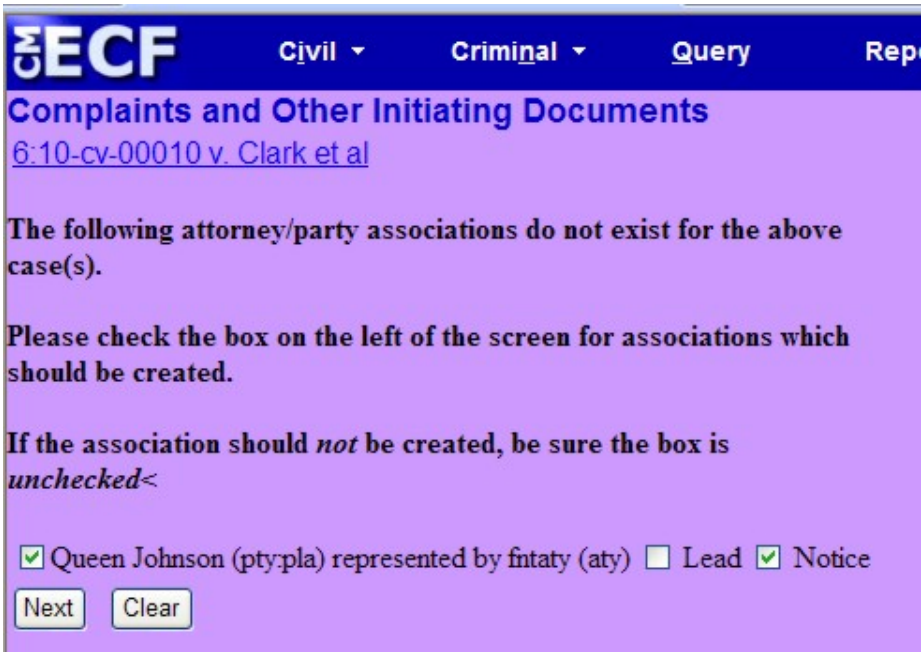
Select the role of the party and click <**Add Party**>.



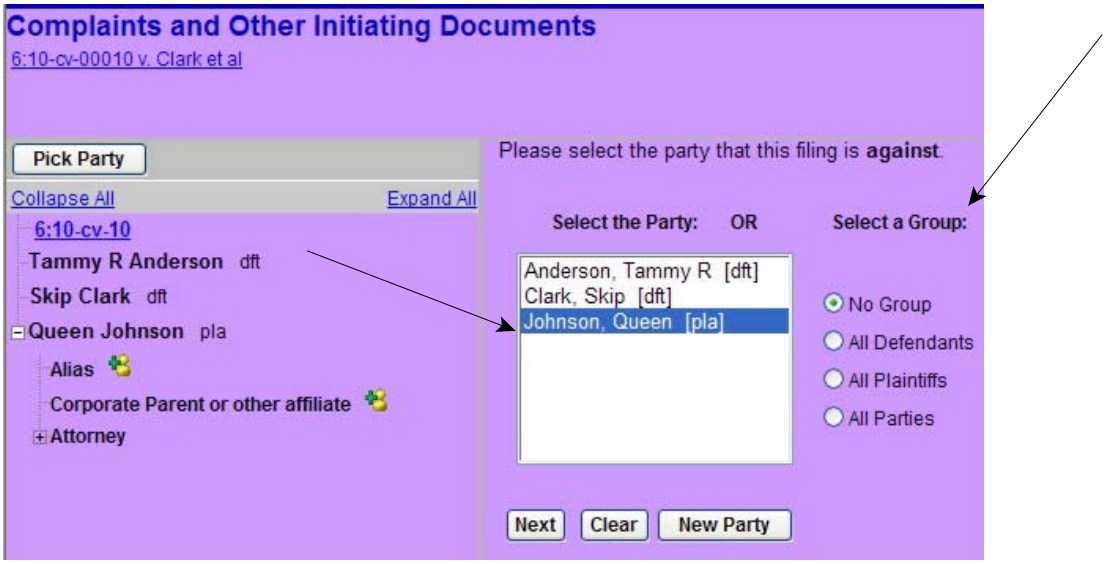
11. Now we're ready to select the filer. Just click on the filer and then click <**Next**>



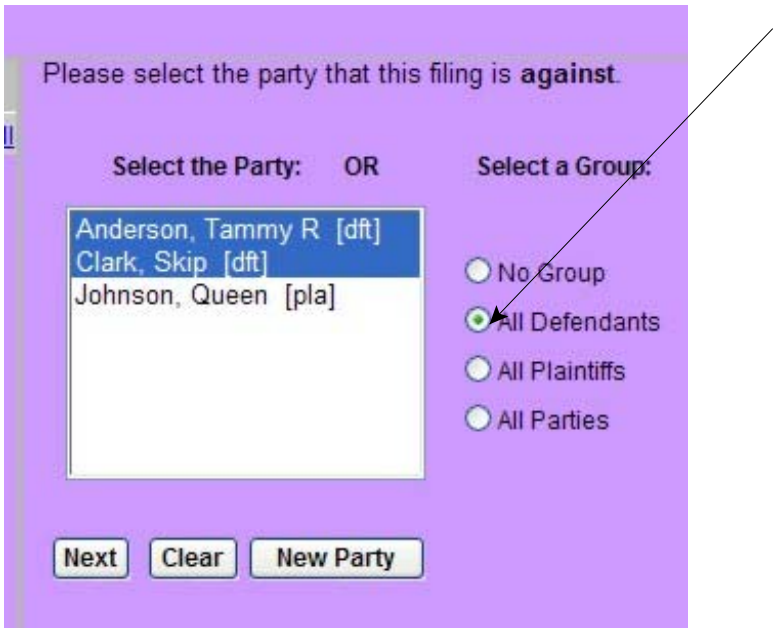
You may receive this message if the association doesn't exist. Click the appropriate boxes and then click <**Next**>.



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.

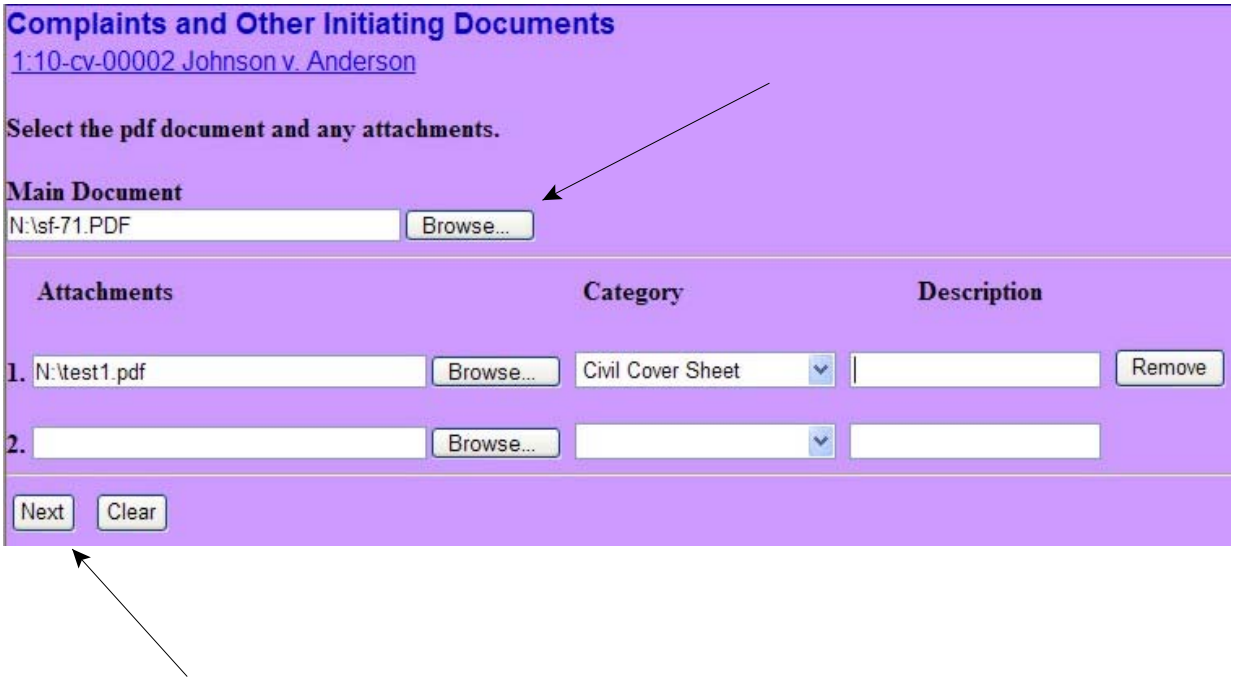


In this example, the group, *All Defendants*, is selected by clicking the radio button.

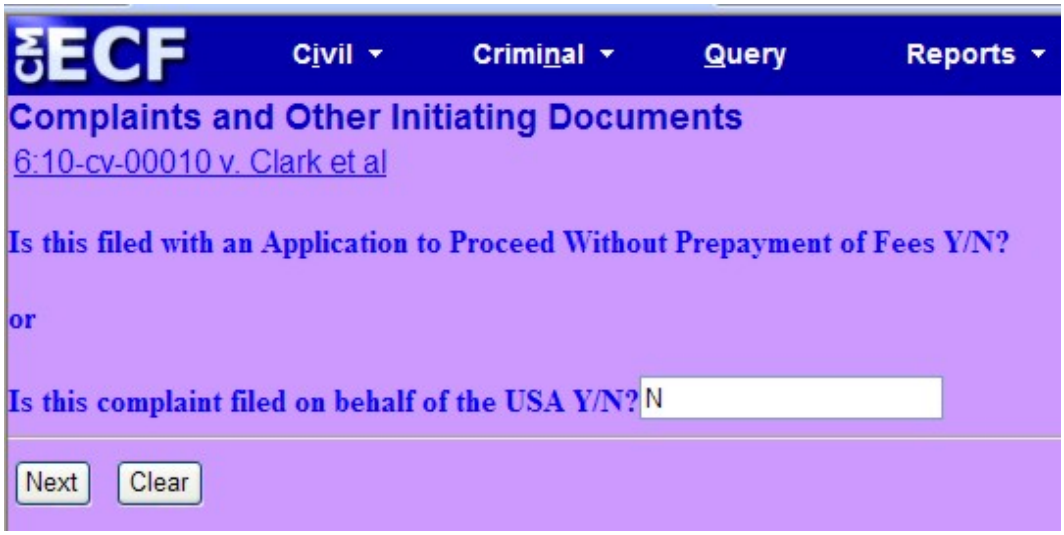


12. Add the complaint or removal by clicking Browse and navigating to the directory where your pdf document is stored. Choose the appropriate pdf file. Next, attach your civil cover sheet or appropriate attachments to your Notice of Removal as instructed by Local Rule CV 81.

Click <**Next**> to continue.

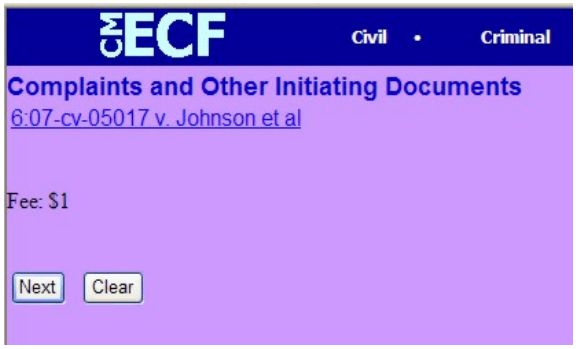


13. You are presented with an *Application to Proceed Without Prepayment of Fees* screen. Answer Y/N and click <**Next**> to continue.

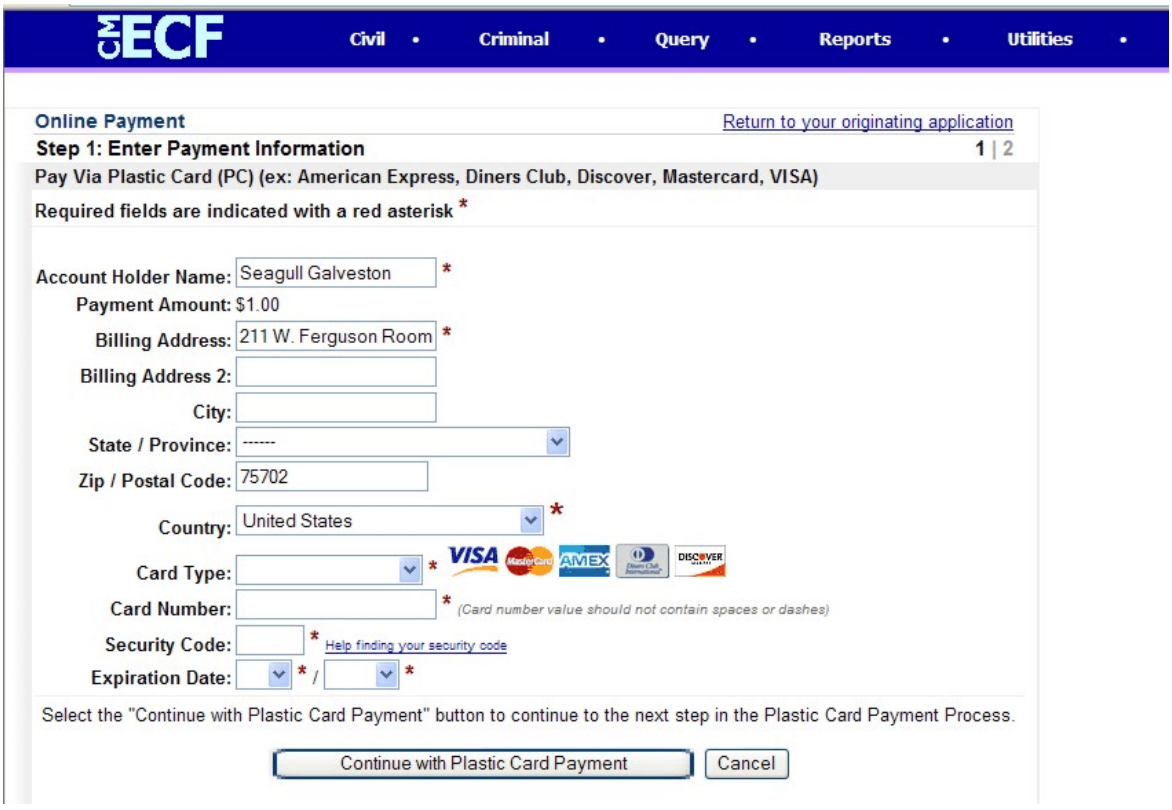


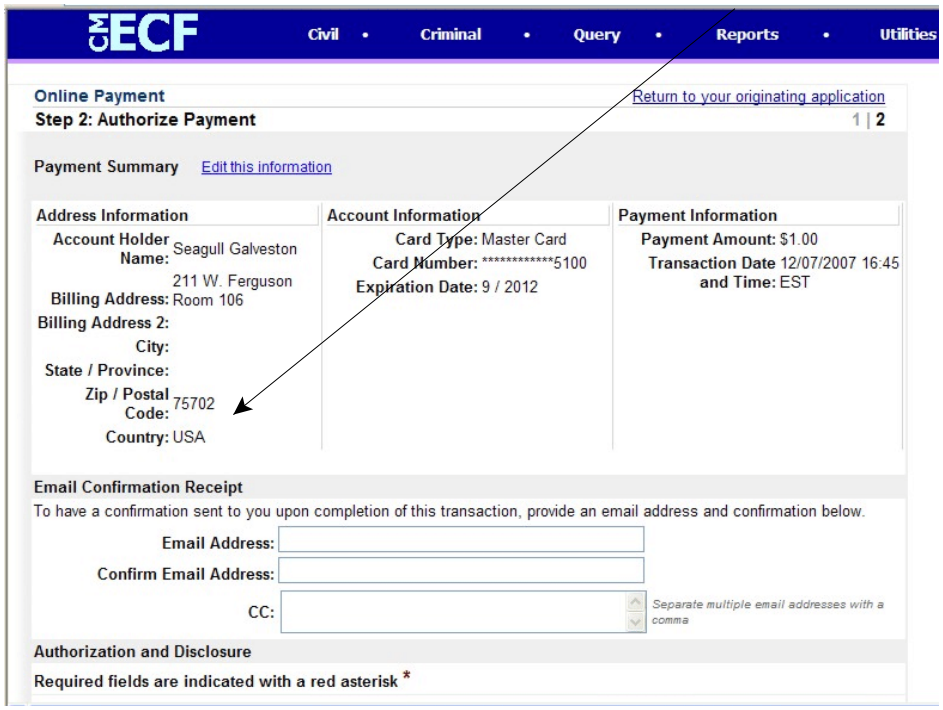
14. A warning screen is displayed. Click <**Next**> to continue.

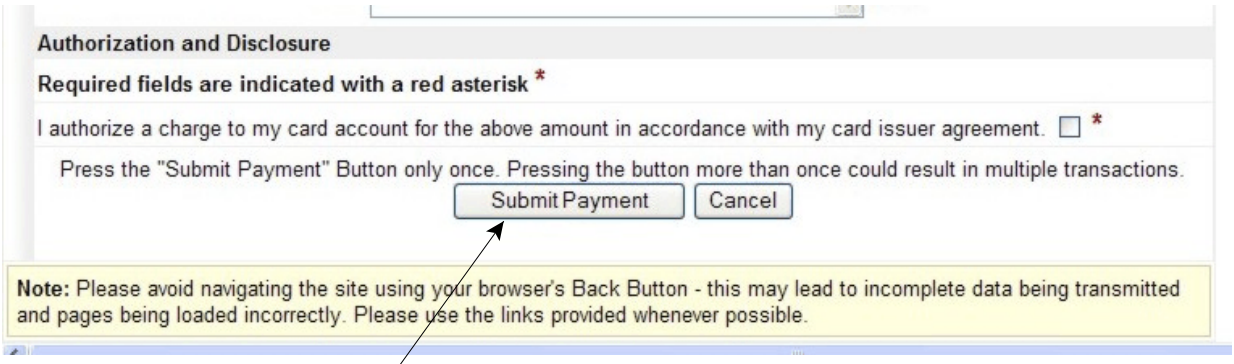
15. The fee is displayed. Click the **<Next>** button to continue.



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







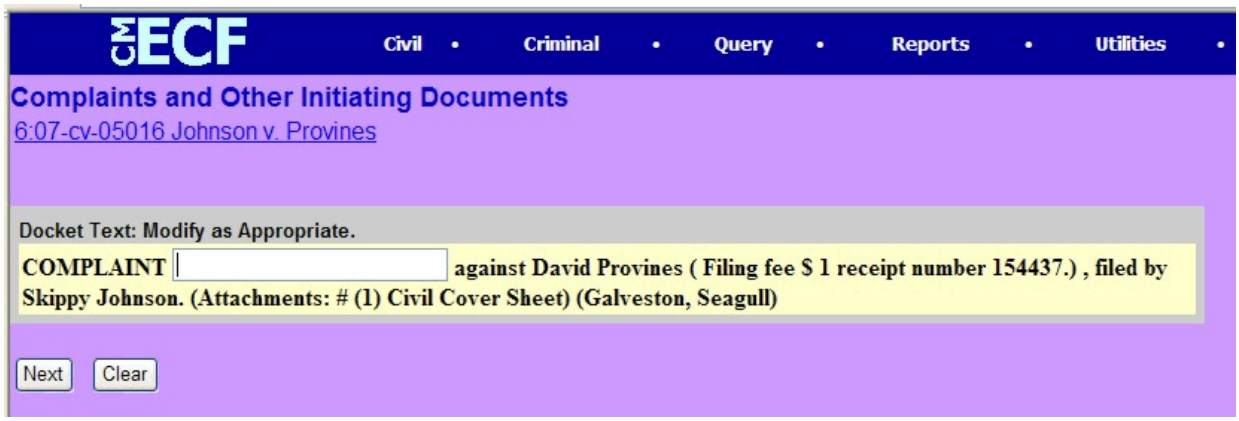
After you have verified that all the information is correct, check the authorization box and then click the Submit Payment button.

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

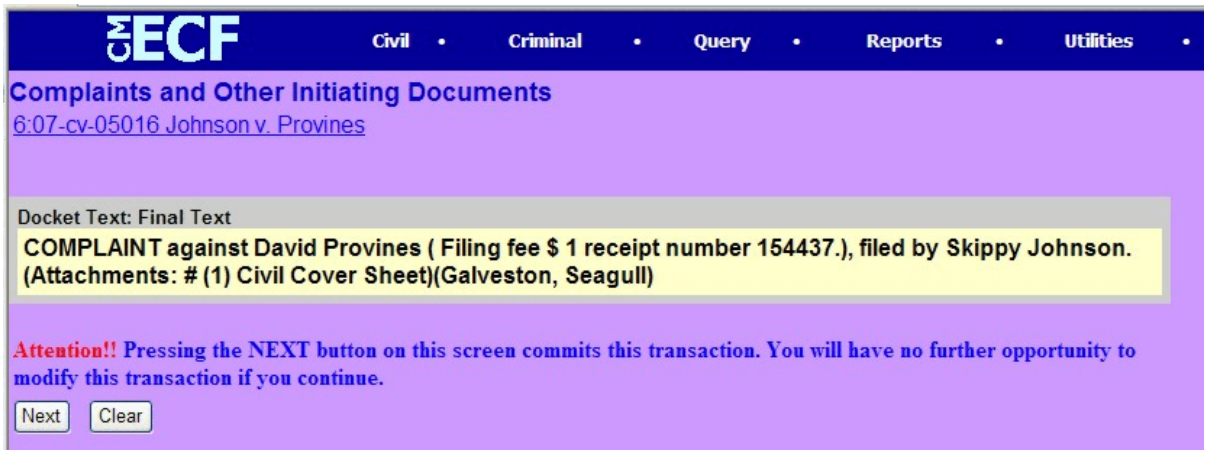
Your payment will be confirmed and you will be returned to CM/ECF.

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

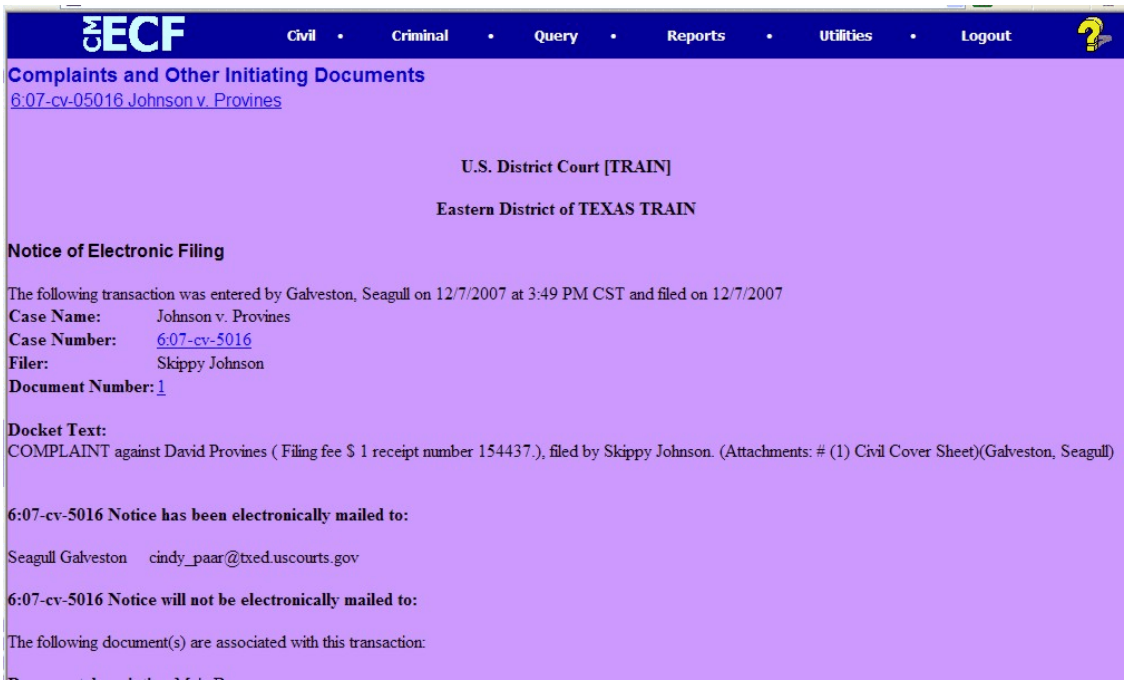
Click the Next button to continue.



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.



CM ECF Civil • Criminal • Query • Reports • Utilities • Logout

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

U.S. District Court [TRAIN]

Eastern District of TEXAS TRAIN

Notice of Electronic Filing

The following transaction was entered by Galveston, Seagull on 12/7/2007 at 3:49 PM CST and filed on 12/7/2007
Case Name: Johnson v. Provines
Case Number: 6:07-cv-5016
Filer: Skippy Johnson
Document Number: 1

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

6:07-cv-5016 Notice has been electronically mailed to:

Seagull Galveston cindy_paar@txed.uscourts.gov

6:07-cv-5016 Notice will not be electronically mailed to:

The following document(s) are associated with this transaction:

20. E-mail the prepared summons to the appropriate e-mail account if a *Motion to Proceed Informa Pauperis* **has not** been filed. **Do not** email the summons to the clerk's office until the judge has ruled on the motion. (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