

**UNITED STATES DISTRICT COURT  
DISTRICT OF NEW MEXICO**



**ADVANCED COURT ENGINEERING  
(A.C.E.)**

**ATTORNEY TRAINING MANUAL**

**JUNE 2000**

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## INTRODUCTION

Our court is a national leader in court innovation and technology. In 1996, the District of New Mexico became the first Federal Court in the nation to establish a presence on the Internet. Since that time, most districts have recognized the importance of providing electronic access to court records. As a result, as people become comfortable with the Internet, more demands are being made for instant access to information and services from the convenience of home and office.

In response to those demands, in 1997 the District of New Mexico successfully launched a major modernization project named Advanced Court Engineering (ACE), which is quickly becoming a standard in electronic filing technology. It provides the capability for electronic filing over the Internet, reduced paper flow, enhanced case tracking, and World Wide Web access to court records such as opinions, calendars, docket sheets, and pleadings. Recently, the ACE project has expanded to include Auto-Noticing, Internet E-Mail alerts and Advisory Case Openings in Bankruptcy Court. In the near future, case opening will be extended to District Court and filing fees will be accepted via the Internet with approved accounts.

This training manual will help you to access the court's Internet Web site and guide you through the information and services available to users. In addition, the manual contains step by step instructions to file documents electronically with the federal court.

If you would like further training for yourself or for your office, please contact Lydia Piper at 348-2088.

## ACCESSING THE DISTRICT OF NEW MEXICO WEB SITE

To access the court's web site, you must have a computer which can connect to the Internet via a network or modem. (Check with your Systems Administrator to see if your desktop computer is so equipped.) You will also need an Internet Service Provider account through a company such as America On-Line (AOL), Prodigy, Technet, Flashnet, etc. Any ISP company will do. Once you have the computer hardware and Internet access in place, you will need an Internet "browser" such as Netscape or Microsoft Explorer. This will allow you to search for and view web sites on the Internet.

To access the U.S. District Court web site, type in:

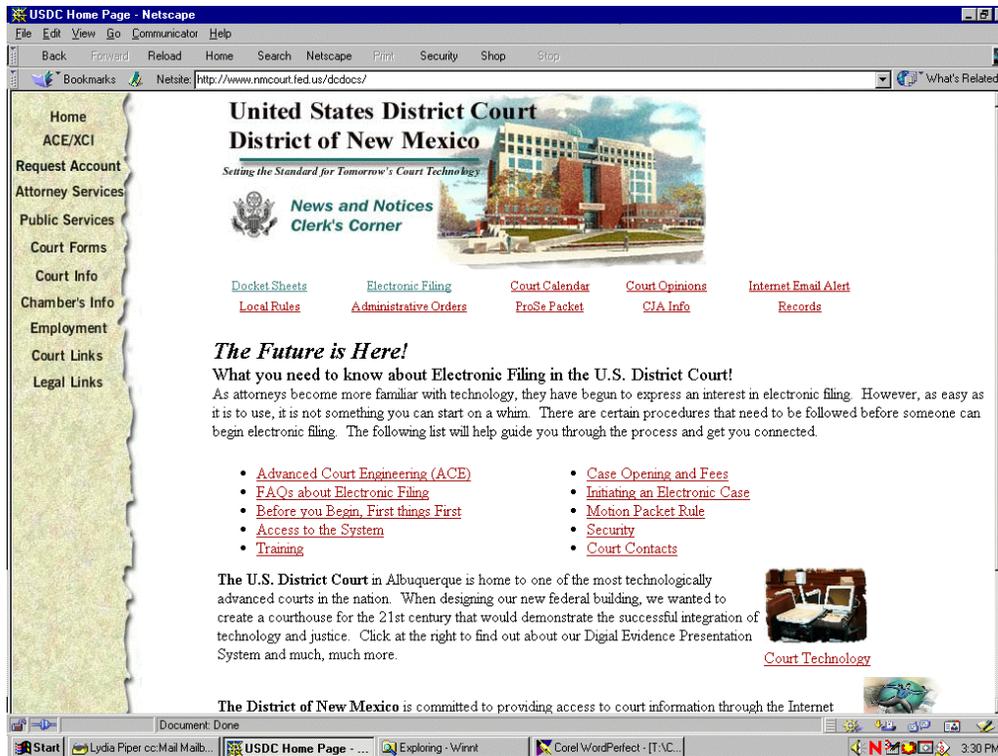
<http://www.nmcourt.fed.us>

This will take you to the District of New Mexico's home page. From this page you can access web sites of the U.S. District Court, U.S. Bankruptcy Court, U.S. Pretrial Services, U.S. Probation and 10th Circuit Library. For the purposes of this training, we will be accessing the U.S. District Court.

Click on the U.S. District Court Button.



This will bring you to the U.S. District Court home page and the starting point to access information on electronic filing, court forms, chambers information and links to other court web sites around the country.



## WHAT'S AVAILABLE ON THE U.S. DISTRICT COURT HOME PAGE

The U.S. District Court home page has been designed to serve the general public, attorneys and other courts. We encourage you to use this website often and let us know what you think. We welcome suggestions to improve service and make information available that is useful. You can contact us at [webmaster@nmcourt.fed.us](mailto:webmaster@nmcourt.fed.us). Below is a description of the information and services available on-line.

### Home Page

**Clerk's Corner:** Provides information and news from the Clerk of the Court, including the clerk's biography and annual report.

**News and Notices:** Provides information on the latest news from the U.S. District Court, as well as any new Notices or Administrative Orders issued by the court's judges.

**Court Technology:** Provides information on courtroom technology available to attorneys such as Digital Evidence Presentation System and realtime court reporting.

## **ACE/XCI PAGE - Advanced Court Engineering**

**Request Account** - This link provides instructions on requesting an account to access electronic filing, docket sheets and other court information. More information on obtaining an account is described in the next section.

**User Profile** - This link allows registered users to change their passwords and email addresses. You must have a User Name and password to access this feature.

**ACE FAQs/Reference Manual** - Because our court is an innovator in electronic filing, we have provided information for other courts regarding our Advanced Court Engineering electronic filing project. The ACE FAQs and Reference Manual documents the history and technical data regarding the project so that other courts may learn from our experience.

**ACE Handbook** - This is a handbook about the ACE electronic filing system designed for attorneys. It provides information on setting up hardware and software to electronically file from a law office computer. It also provides information on rules and regulations established for electronic filing. The document requires Adobe Acrobat Reader, which can be downloaded for free from the Adobe web site:  
(<http://www.adobe.com/prodindex/acrobat/readstep.html>).

**ACE Training Manual** - An electronic version of the court's attorney training manual which includes step by step instructions on electronic filing. Requires Adobe Acrobat Reader.

**Auto Noticing** - This link allows attorneys and parties in civil and criminal cases to choose the method of receiving notices from the court. Requires Adobe Acrobat Reader.

**Email Alert** - This link allows registered users to sign up to be notified via e-mail when there is electronic activity in a particular case. This is not an official court notice, but merely an alert provided to interested parties. The alert is for electronically filed documents only. You must have a User Name and password to access this feature.

**CLE Training** - Information on the court's CLE training on electronic filing and access to court information on the Internet.

**XCI** - Information on the court's current research and development project on standardization of electronic filing protocol using Extensible Markup Language (XML).

## **Attorney and Public Services**

Access to most of the information and services in this section requires a User Name and password. At this time, there is no charge for accessing court information. However, at some time in the future, the court will be required to charge a fee. Users will be notified before such fees are implemented. The following briefly describe each feature under Advanced Court Engineering and notes if an account is required.

**Electronic Filing** - This is the crux of the ACE project. This link allows registered attorneys (or other authorized parties in a case) to file documents electronically with the court. This feature is only available to attorneys admitted to practice before the federal bar in New Mexico or those parties authorized by the court. You must have a User Name and password with an attorney level account to use this feature.

**Docket sheets** - This is one of the most popular features of ACE. This link allows registered users to search court docket sheets in civil and criminal cases. You must have a User Name and password to access this feature.

**Court Calendar** - For attorneys and court personnel only. This link allows registered users to view the court's real time calendar for trials, hearings and other case matters. You must have a User Name and password with a court personnel or an attorney level account to access this feature.

**Court Opinions** - A valuable resource for attorneys preparing for hearings and conferences. This feature is also available to the general public. This link allows registered users to search District of New Mexico court opinions. You must have a User Name and password to access this feature.

### **Court Forms**

Provides U.S. District Court Forms in a variety of formats. Requires Adobe Acrobat Reader and/or OmniForm Filler.

### **Court Info**

Lists addresses, phone numbers, and hours for all divisional offices and other court information, including jury, pro se and CJA information, local rules, administrative orders and federal holidays.

### **Chambers Info**

Provides access to information on jury instructions, trial preparations, etc., for the District of New Mexico Judges. Some documents will require Adobe Acrobat Reader and/or OmniForm Filler.

## **Employment**

Provides information on employment opportunities with the Federal Government and Federal Courts.

### **Court Links**

Provides Internet links to other Federal Court web sites

### **Legal Links**

Provides a link to findlaw.com, a clearinghouse of law related web sites. The federal court does not guarantee the validity of these links and is not responsible for the content of the sites. These links are provided as a courtesy to users only.

## REQUESTING AN ACCOUNT

As mentioned above, some of the information and services available on our web site can only be accessed with User Name and Password. To obtain an ACE account, go to the U.S. District Court home page and click on Request Account under Advanced Court Engineering. Follow the instructions. Please note that if you are requesting an attorney level account, we do require an original signature on file. Please print out the form provided, sign and date it and mail it to the court. A copy of the form has been included in Appendix A of this manual.

There are currently three types of accounts available. Account types determine the access level an individual has on our web site.

Type	Services available	Requirements
Level 3 - Attorney	Electronic filing, Court Master Calendar, Docket Reports, Opinion Retrieval, E-Mail alert, Auto-Noticing	Admitted to practice in the US District Court of New Mexico in good standing.
Level 4 - Court family	Court Master Calendar, Docket Reports, Opinion Retrieval, E-Mail alert	Federal Court and related agencies, including law firms.
Level 5 - Public	Docket Reports, Opinion Retrieval, E-Mail alert	None

At this time, there are no fees being charged to access information on our web site. However, fees are likely to be imposed in the future. Users will be informed prior to this change occurring.

## ATTORNEY AND PUBLIC SERVICES

The following section provides instructions on accessing certain features available under Attorney and Public Services. As mentioned above, many of these features require a User Name and Password. (Please refer to the previous section for instructions on obtaining an ACE account.)

As an attorney, your User Name and Password act as your signature when electronically filing documents with the court. Therefore, it should be kept confidential and only given out to employees who will be electronically filing on your behalf (secretary, paralegal). Although we have not had any instances of abuse in this area, it is best to play it safe.

When accessing a feature which requires an User Name and Password, you will be prompted with the following screen:



A screenshot of a dialog box titled "Username and Password Required". The dialog box contains the text "Enter username for ACE at www.nmcourt.fed.us:". Below this text are two input fields: "User Name:" and "Password:". At the bottom of the dialog box are two buttons: "OK" and "Cancel".

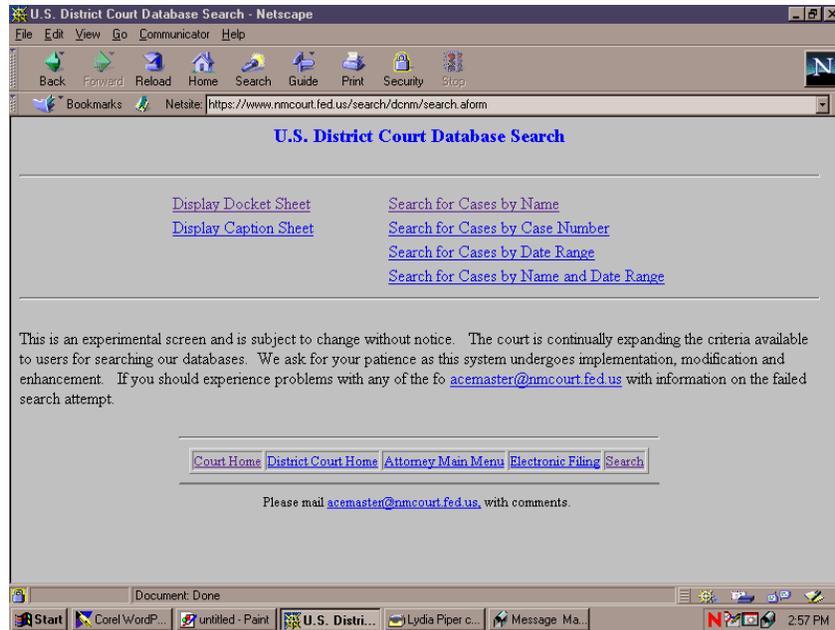
Remember to type in both your User Name and Password in all lowercase letters, without spaces between names or letters. Then click on OK. Please note that once you enter your User Name and Password, you will not be prompted again during the session. Therefore, it is important to close your browser when you are through accessing court information, particularly when electronically filing. This will prevent accidental and intentional misuse of electronic signatures.

### Viewing Docket Sheets

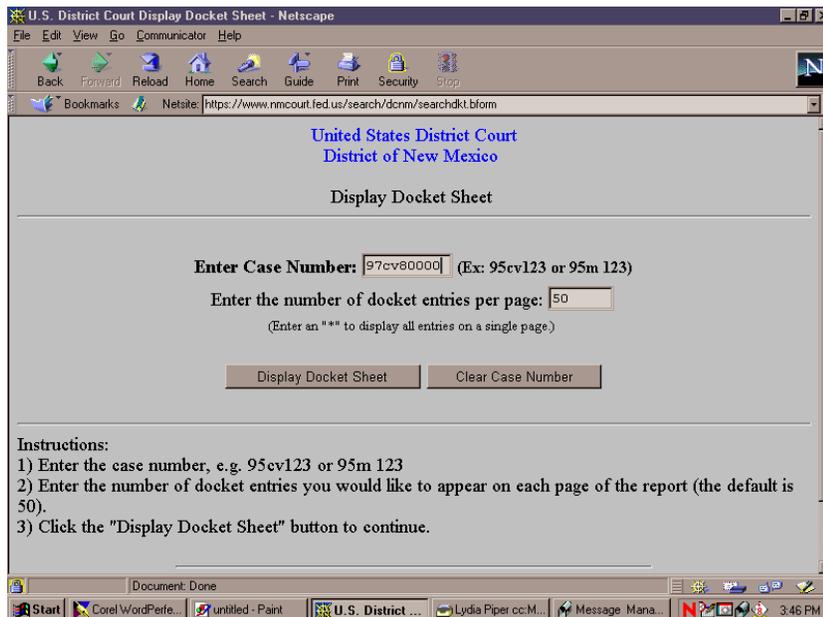
Of all the features available on our web site, accessing Docket Sheets is the one most widely used. The court has automated all cases since 1985, with several ongoing cases dating back to 1965. Through this link, users are able to access docket sheets and any documents electronically filed in a given case.

To access, click on Docket Sheets under Attorney or Public Services, or the Docket Sheets link from the home page. Type in your User Name and Password and click OK.

You will be presented with the following screen:

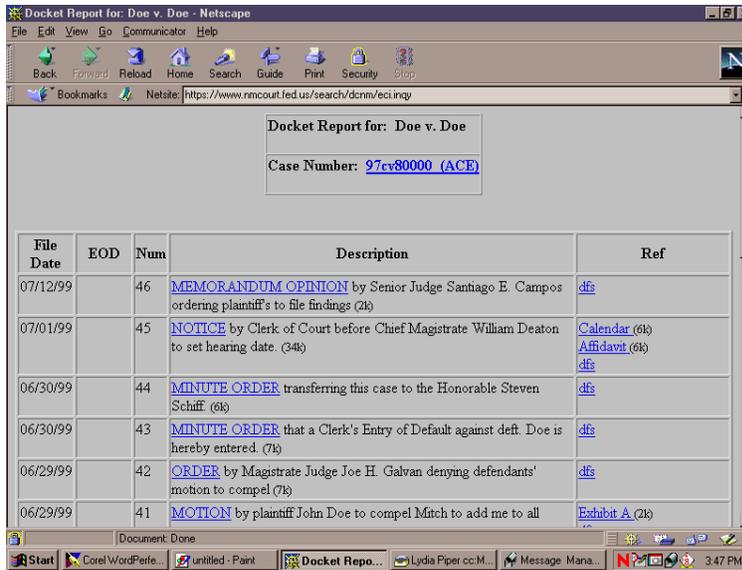


As indicated, you can search our database using several criterial. If you know the case number, click on Display Docket Sheet. The following screen will appear:



Type in the case number as indicated and click on Display Docket Sheet.

A docket sheet similar to the one below will appear:



At the top of the docket sheet, you will notice that the Case Number is highlighted in blue. In the above example, the Case Number has the word “ACE” next to it. This indicates that this is an electronic case. That means that at least one attorney in the case is filing electronically. (In New Mexico, you are not obligated to file electronically. Therefore, we allow “mixed” cases in which only one attorney is filing electronically. See Mixed Cases later in this manual)

If you click on the Case Number, it will take you to the “caption” page as shown below. The caption page is a summary of case information, including the names, addresses and phone numbers of each attorney appearing in the case. Many people print out the caption page and



staple it to the inside of the case file for reference and service purposes. When finished viewing the caption page, click on the Case Number at the top of the page and you will get back to the Docket Sheet.

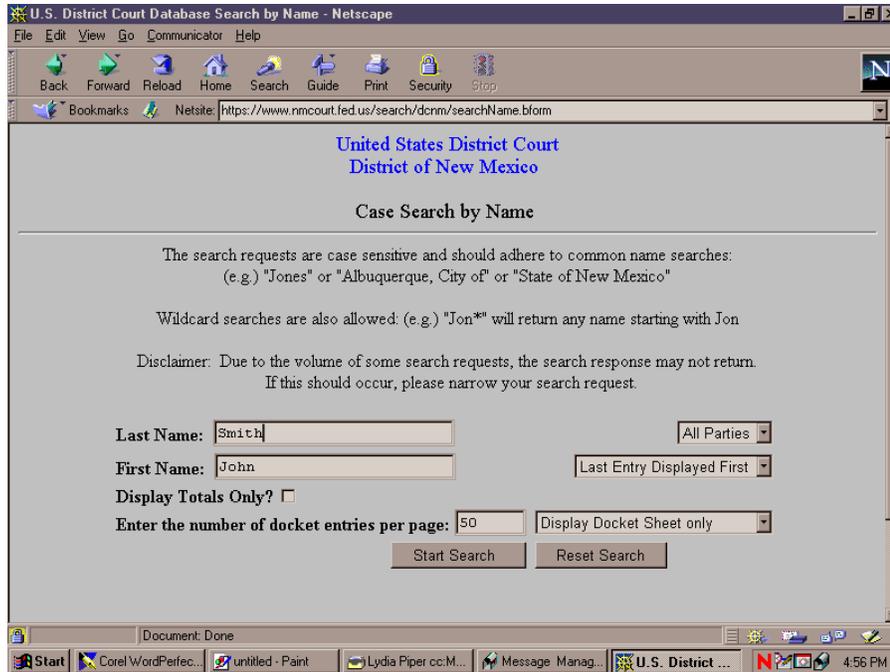
The first column on the docket sheet refers to the Official Filing Date; i.e., the date the court received the document. The “EOD” date is the Entry on Docket date. This is the date that the court clerk officially entered the date on the Court’s internal case management system. The EOD date is used for scheduling appeals. Documents in the District of New Mexico are numbered according to their order of filing, which is indicated under the “Num” column. This number can be used when calling the Records office to obtain a copy. In the Description Column, note the

File Date	EOD	Num	Description	Ref
07/12/99		46	<u>MEMORANDUM OPINION</u> by Senior Judge Santiago E. Campos ordering plaintiff's to file findings (2k)	<a href="#">dfs</a>
07/01/99		45	<u>NOTICE</u> by Clerk of Court before Chief Magistrate William Deaton to set hearing date. (34k)	<a href="#">Calendar</a> (6k) <a href="#">Affidavit</a> (6k) <a href="#">dfs</a>
06/30/99		44	<u>MINUTE ORDER</u> transferring this case to the Honorable Steven Schiff (6k)	<a href="#">dfs</a>
06/30/99		43	<u>MINUTE ORDER</u> that a Clerk's Entry of Default against def. Doe is hereby entered. (7k)	<a href="#">dfs</a>
06/29/99		42	<u>ORDER</u> by Magistrate Judge Joe H. Galvan denying defendants' motion to compel (7k)	<a href="#">dfs</a>
06/29/99		41	<u>MOTION</u> by plaintiff John Doe to compel Mitch to add me to all	<a href="#">Exhibit A</a> (2k)

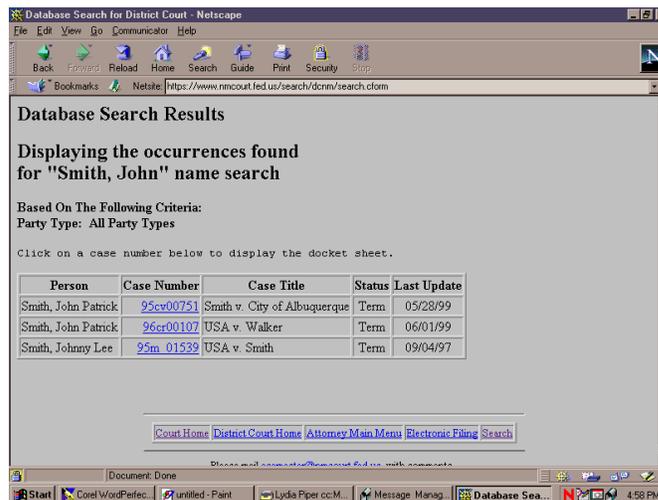
underlined entries (which appear in blue on the computer screen). These indicate that the document has been filed electronically and is available for viewing using the Adobe Acrobat Reader. When viewed it can also be printed. The “dfs” in the Ref column is a link to the Digital File Stamp page. When attached to a copy of the filed document, it becomes a “conformed copy.” The Ref column is also where exhibits are listed that have been filed electronically.

The Name search allows you to look for someone (business, individual, entity) who is a party in a case, as well as for attorneys. Please note that the ACE system is case sensitive. This means that the first letter of the name or company must be capitalized and the remaining letters must be lower case. If an entry in our database is listed as Business Company, Inc. and you search for Business Company, Inc without the period in “Inc.,” the system will not pull up the information you are looking for. The system accepts wild card searches using the “\*” character. In the previous example, you could type in Business Com\* and the system would return anything matching that string of characters (such as Business Company, Inc., Business Company Services, etc.).

To search, click on Search by Case Name. The following screen will appear:



Type in your search criteria as indicated and select your display options. Initially the results of your search will appear as follows:



Note the case number is underlined (and appears in blue on the computer screen). Locate the case you want to view and click on the blue case number. This will take you to the docket sheet as described above. Again, any entries in blue indicate there is a link to another page or to a document that can be viewed.

For date range searches (both by case number and by name) you have the option of selecting any one of these dates in the case:

1. Filed
2. Pending
3. Reopened
4. Terminated

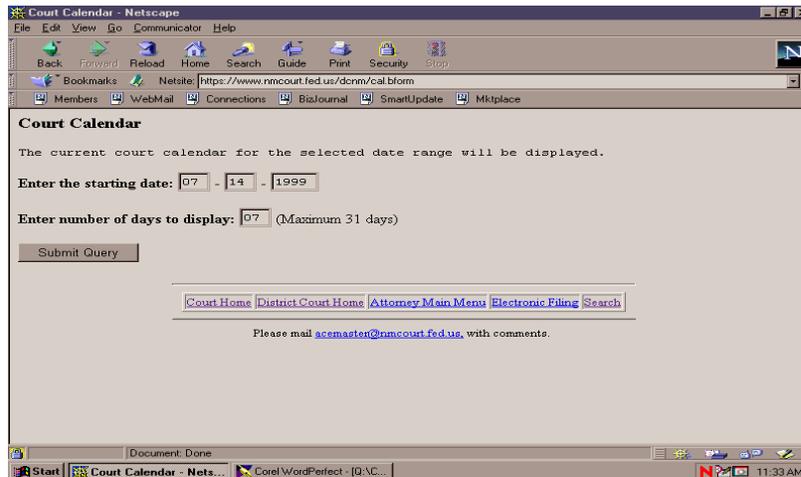
As with other searches, when the list of cases is displayed, the case number appears in blue and is linked to the docket sheet. Click on the case number to view the docket sheet.

The case information that you see on the ACE system is the most up-to-date information available for New Mexico Federal cases. When something is electronically filed, the attorney's proposed entry will appear on the docket sheet immediately. The document then prints out on a printer in the court house and is docketed manually into our Integrated Case Management System (ICMS). When the case manager docketed the entry into ICMS, it overwrites the attorney's docket entry. In addition, when something is filed manually, a case manager will enter the information into ICMS, which then appears immediately on the ACE docket system.

It should be noted that the ACE system is more current than PACER. Due to Y2K problems, PACER has not been updated for several months.

## Court Calendar

The master court calendar available on-line is “live.” In other words, as soon as an event is calendared by a courtroom deputy or other court personnel, it is instantly available for viewing. To access, click on Court Calendar under Attorney or Public Services. Again, you will be prompted for your User Name and password. Please note that you must have an attorney or court agency level account to view the calendar. The following screen will appear:



Enter the starting date for the calendared events you want to view. Then enter the number of days from that date you want displayed. The following screen will appear:

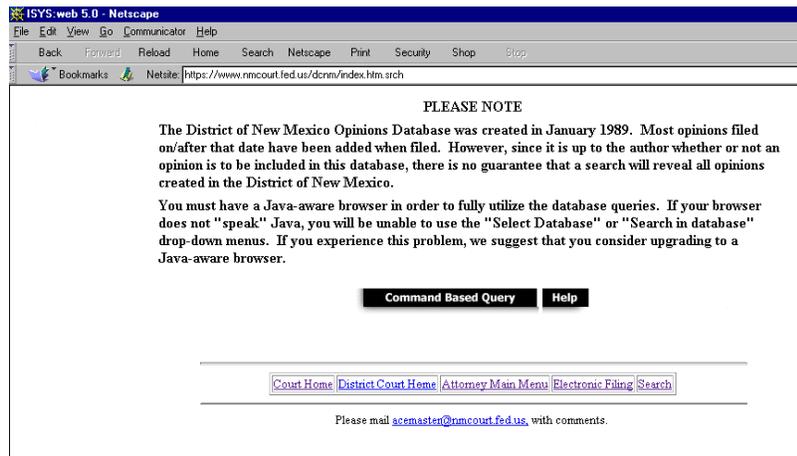
Time	Judge	Case	Location/Event	Style	Int
08:30 AM	Svet	98cv1046	Chambers RULE 16 SETTLEMENT CONFERENCE	Allen v. Rio Rancho	No
09:00 AM	Deaton	99cr0303	Hondo Courtroom (4th, SE) MOTION HEARING	USA v. Jorge Rivera	No
09:00 AM	Garcia	99cv0531	Chambers RULE 16 INITIAL CONFERENCE	Armstrong v. La Quinta Inns, Inc	No
10:00 AM	Deaton	99cv0457	Chambers RULE 16 INITIAL CONFERENCE	Hoskins v. Sampath	No
10:30 AM	Deaton	99cv0314	Chambers RULE 16 INITIAL CONFERENCE	Ledbetter v. Dillard's Incorp	No
10:30 AM	Deaton	99cv0307	Chambers	Deaton v. Albuquerque City of	No

Events are displayed by divisional office, alphabetically, then by time and judge. Scroll down to view the remaining calendar for the days that were selected.

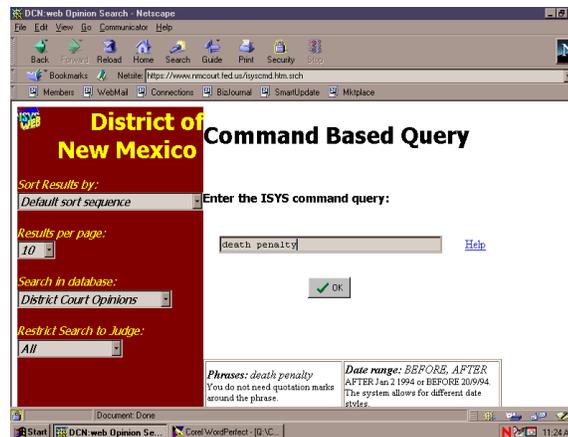
## Accessing Court Opinions

Most of the District of New Mexico court opinions since 1991 are available through the opinion retrieval system. It is left to the Judge's discretion whether or not an opinion is saved in the opinion database. Therefore there is no guarantee that the system is complete. However, most attorneys find that this is an invaluable tool when preparing for settlement conferences and the like. Many of our Magistrate judges use this feature to research how a District judge has ruled on a particular issue and will query an attorney if he has done the same.

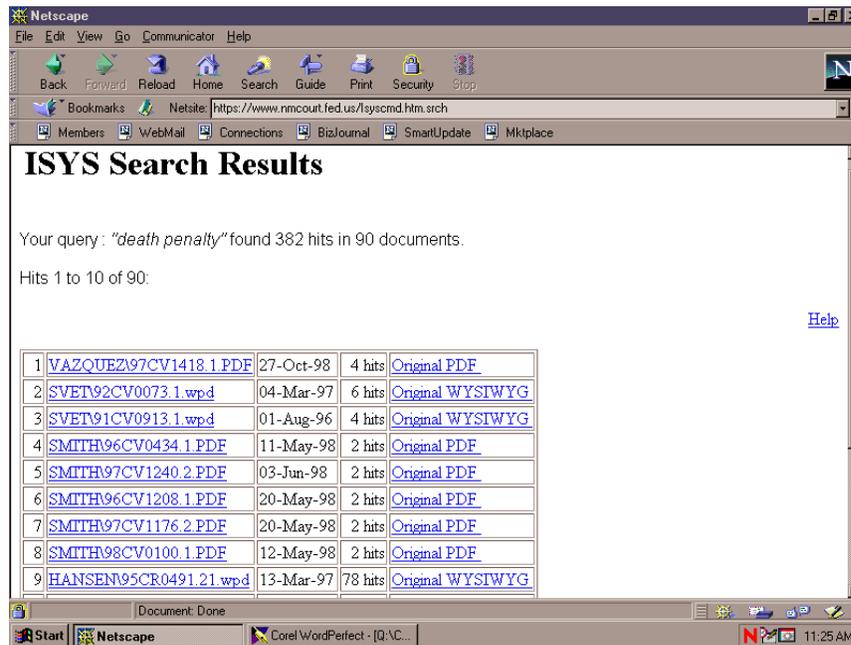
To view opinions, select "Court Opinions" quick link, or under Attorney or Public Services. You will be prompted for your User Name and password. The following screen will appear:



Click on Command Based Query. The following screen will appear:



Type in a query (sample queries are listed at the bottom of the page). The user can select how the results are displayed (sorted), how many hits are displayed, the database and judges to be searched. Click on OK. The results will be displayed as follows:



The cases are automatically sorted by judge. Click on the case to view the document. From there you can print the document as well.

## **Electronic Filing**

As mentioned previously, the electronic filing feature is the crux of the ACE system. It allows registered attorneys to file pleadings and other documents electronically with the court from the convenience of their office. This provides for reduced cost and labor spent producing and filing a pleading manually with the court.

You may initiate electronic filing in any civil case in the district court. At this time, the District of New Mexico is not accepting criminal cases for electronic filing. There are two ways to initiate electronic filing in a civil case:

- At the initial scheduling conference; or
- By manually filing a Motion to Initiate Electronic Filing, after a case is already in progress.

After each instance, the judges in the District of New Mexico will file an order allowing electronic filing in a case. When this order is filed, the case is “activated” and is ready to accept electronically filed pleadings. The order incorporates a waiver of the Motion Packet Rule (described below) and all pleadings filed manually or electronically must include an ACE notation in the caption, next to the judges initials. Please contact the court if you have any questions regarding this issue.

### **PDF Format**

In order to electronically file a document, it must be converted into a PDF format. PDF stands for “Portable Document Format.” This type of format allows a person to create a document in WordPerfect or Word and maintain the format and integrity of the document when filing it electronically. When the document is “converted” to PDF format, it looks like a snapshot of the original document. All the headings, tabs, spacing, etc. are maintained and when printed, looks exactly like as if it had been printed from the original format. This is one of the reasons the Administrative Office of the Courts has sanctioned PDF as the current official submission format for documents submitted electronically.

You must have Adobe Acrobat Writer loaded on your computer to be able to convert to PDF format. Unlike the Adobe Acrobat Reader (which is free), you must purchase the Writer package from Adobe. At present, members of the bar are able to receive a discount when purchasing the product. Current prices range from \$100 to \$200 per package.

The following describes the steps necessary to create, convert and file a pleading electronically with the court. Please note there are also filing instructions located on the various ACE screens as you file your document.

## STEP ONE: CREATING THE PLEADING

You will create pleadings and exhibits for electronic filing the same way you would create any other pleading or exhibit to be submitted to the court. Open the software package that you use to create your documents (i.e., WordPerfect, Word). Type your pleading (or exhibit) the way you always do. Electronic filing does not change this part of your current process. Before converting, save the WordPerfect/Word document as you normally would. A PDF document, once converted, cannot be reconverted into a WordPerfect/Word format. Therefore, if you will need to edit this document or use it in the future, you need to save it in its original format.

**A NOTE ABOUT SIGNATURES:** In the paper world, an attorney will sign a document prior to filing it with the court. In the electronic world, no signature appears on the document that is filed. (Remember, the attorney ID and Password act as a signature for Federal Rule 11 purposes.) However, some people are uncomfortable with this practice. Although the court does not require it, you may type the words “Electronically Filed” in the signature block to indicate that the document was electronically filed and that is why no signature appears.

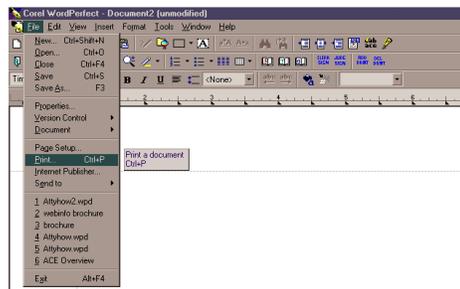
You should also include the Certificate of Service at the end of the pleading. Again, no signature is required. However, you must type in the name of the person serving the pleading, as well as the date it was served.

With an exhibit, such as an Affidavit, the court requires that you keep the originally signed document in your paper file and file the “unsigned” version electronically. If there is ever a question about authenticity, you will be asked to produce the original document. Please make sure that the original document was signed and dated on or before it was electronically filed. (For information regarding oversized exhibits or exhibits not created by your office, please refer to the section on Exhibits later in this manual.)

**PLEASE NOTE:** Every document that is to be filed with the court, i.e., motion, affidavit, exhibit list, must be converted into a separate PDF file. Therefore, ***do not*** combine them into one WordPerfect/Word file.

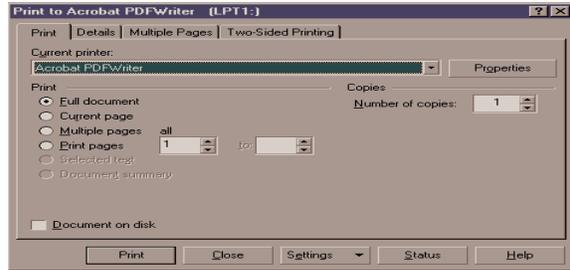
## STEP TWO: CONVERTING YOUR PLEADING TO A "PDF" FORMAT

As mentioned above, in order to save a file in portable document format (PDF) format, Adobe Acrobat Writer must be loaded on your computer. Make sure that the document you created in step one is open on your computer. Select the print option for your software package - the location of the print option will vary based upon the software you are using, but it can typically be found under the "File" menu or as an icon in your toolbar.

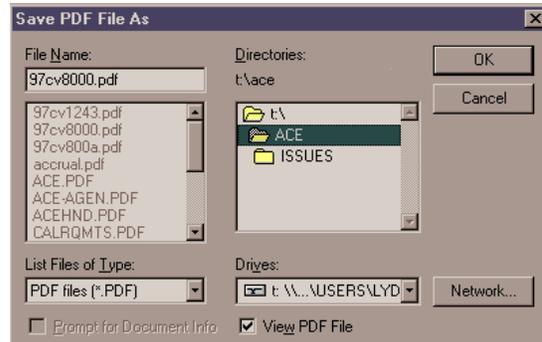




Most software packages will list the name of the printer that you typically print to in the following dialog box that appears. You should click on the arrow to the right of the “current printer” and select Acrobat PDF Writer.



Once you select Acrobat PDF Writer, click on the Print button. The “Save PDF File As” dialog box will appear. You will need to name the file and select the drive and directory where you want the PDF file to be saved. Remember, you are taking a “snapshot” of the WordPerfect or Word document and it becomes a separate file. You may want to create a directory on your system for saving PDF documents. At the District Court, each user has an ACE directory where they can store documents for electronic filing. Once the document has been filed,



it can be deleted out of this directory. In addition, we suggest that you select “view PDF file” so that you can view the converted document in PDF format prior to filing. That way, if you notice any mistakes, you can go back into WordPerfect, correct the errors and re-convert the document into PDF. Once you have made your selections, click on OK. Adobe Acrobat Reader will launch and your document will appear. If everything looks correct, close Acrobat Reader.

You have just converted your pleading into a "PDF" file. Your original file is still intact, but should be saved if you want to access it again in WordPerfect/Word. You can now close your word processing package.

### **STEP THREE: ACCESSING THE COURT'S WEB SITE VIA THE INTERNET AND LOGIN TO ELECTRONIC FILING SECTION OF THE WEB PAGE**

Connect to the District of New Mexico web site as previously discussed in this manual. In Netscape or Microsoft Explorer, type in:

<http://www.nmcourt.fed.us>

Click on the District Court button. The District of New Mexico Home Page follows. Click on Electronic Filing under Attorney Services. You will be prompted for your User Name and password as shown previously. Once entered, click on OK. The following options will appear:

### **Attorney Main Menu**

- [Electronic Filing \(active cases\)](#)
- [Electronic Filing \(terminated cases\)](#)
- [Case Filing Index](#)
- [Electronic Filing Mailbox](#)
- [Home](#)

In most situations, you will be filing to “Active Cases”. However, once a judgement has been rendered in a case, it is classified as “terminated” in our case management system. This is also true if a case is returned on appeal. You can still file cost bills, motions, etc. to these cases. For training purposes, select the “Electronic Filing (Active Cases)” option.

### **STEP FOUR: SELECT YOUR CASE NUMBER**

After clicking on Electronic Filing, the screen below will appear. You will need to select the case in which you want to file your pleading. Click on the down arrow next to “(None Selected)” to see a list of your cases. The only cases that will appear are cases you are associated with which

### **Electronic Filing**

Select the case (see instructions below)

97cv80000 - Doe v. Doe ▼

Enter total number of attachments/exhibits for this document

have been designated as electronic cases. To select a case, click on the name in the list.

If you are going to have attachments to your pleading (such as exhibits) enter a number in the “Total number of attachments/exhibits” box. This should be the number of individual **documents**, not the number of pages in the attachment. All electronically filed attachments must be submitted in “PDF” format. If you try to submit a document in another format, you will receive an error message and your document will not be filed. Click the “continue” button.

## STEP FIVE: DESCRIBE THE DOCUMENT YOU WANT TO FILE

Once you click on the continue button, a menu similar to the one at the right will appear. Select the type of pleading you are filing. Pleadings are grouped by the type of pleading (for instance, the various types of motions can be found under the “Motions” option). For training purposes, select Motions Packet.

**Please Note: The Motion Packet Rule is waived for electronic filing purposes. Please see the section on Waiver of the Motion Packet Rule.**

### Motion Packet Menu

[97cv80000](#) [P] (ACE) - Assigned to: District Judge H. Vear

- [Motions](#)
- [Memorandum in Support](#)
- [Response to Motion](#)
- [Reply to Response to Motion](#)
- [Completion Notice for Motion Packet](#)
- [Stipulation](#)
- [Notice](#)
- [Certificate](#)
- [Waiver of Service](#)
- [Joinder in Motion](#)
- [Addendum to Motion](#)
- [Supplemental Memorandum](#)
- [Return of Service Executed](#)

For training purposes, select Motions. A screen similar to the screen to the right will appear (listing more selections). When initially designing ACE, our developers did a query of the most commonly filed motions. This list is a result of that query. In most cases, the type of motion you are filing will be listed here. However, if you do not see a link for the motion you want to file, you should choose Motion for Leave to and then describe what it is you are filing. For training, we are going to choose “Motion for Summary Judgment.”

### Civil Filing Main Menu

- [Motions Packet](#)
- [Attorney Information](#)
- [Trial](#)
- [Discovery](#)
- [Post-Trial](#)
- [Agency Appeal](#)
- [Answer \(No Parties Added\)](#)
- [Amended Complaint \(No Parties Added\)](#)
- [Amended Answer \(No Parties Added\)](#)
- [Appeal of Magistrate Ruling](#)
- [Briefing Pursuant to Court Order](#)

The motion packet is broken down in to parts for electronic filing. If an attorney is filing electronically, he would choose whatever part of the packet he is filing. Whoever initiates the motion is responsible for filing a Notice of Completion. This lets the judge know that the packet is complete and available for his ruling.

### Motions Menu

[97cv80000](#) [P] (ACE) - Assigned to: District Judge H. Vear

- [Unopposed Motion](#)
- [Motion for Hearing](#)
- [Motion for Leave to](#)
- [Motion for Order](#)
- [Motion for Prejudgment Interest](#)
- [Motion for Post-Judgment Interest](#)
- [Motion for Protective Order](#)
- [Motion for Reconsideration](#)
- [Motion for Sanctions](#)
- [Motion for Summary Judgment](#)
- [Motion in Limine](#)
- [Motion to Amend](#)
- [Motion to Compel](#)

## STEP SIX: FILL OUT THE FORM

Each type of pleading will pull up a different dialog depending upon what you are filing. Typically the dialog box will look like the following:

MOTION by  
[plaintiff John Doe] (see note 1)  
for summary judgement  
[based upon collateral estoppel.] (see note 2)  
[Q:\ACE\SAMPLE\msj-pla.pdf] [Browse...] (see note 3)  
[Exhibit/Attachment]  
[ ] [Browse...] (see note 4)  
[File Document(s)] (see note 5)

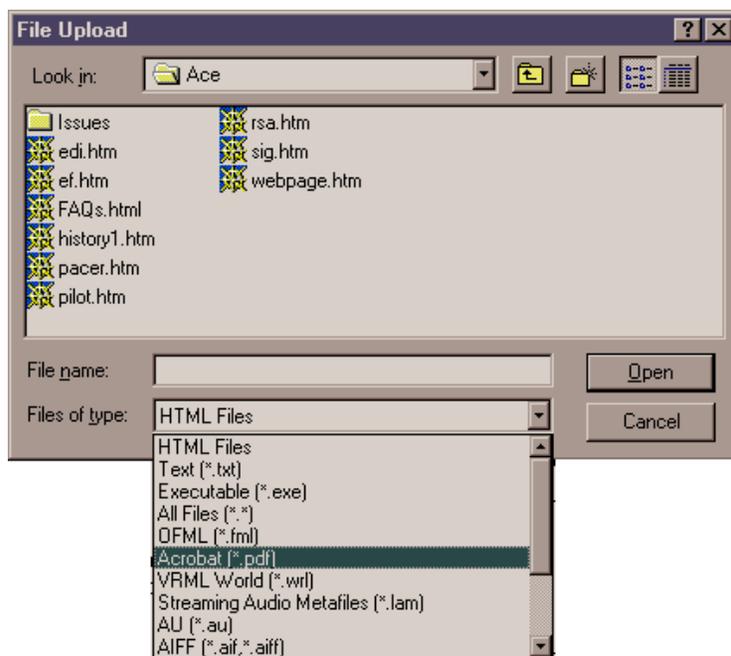
For example, notice that the first word is MOTION, that is because we chose “motion” on a previous screen. The description of “summary judgement” was also chosen on a previous screen, as were the number of exhibits.

First, you will need to select the party on whose behalf you are filing the motion (this item must be highlighted to file the document). This option allows you to select a single party or multiple parties if you are representing more than one party in a case. If you are only representing a single party in the case, that party’s name will appear.

Next, you will need to type in a description of what you are filing. This description will become the docket text in the court’s electronic record. When the pleading reaches the court, the case manager will have the option of overwriting your docket text with amended docket text. Even though the docket text has been amended, your document will always remain intact.

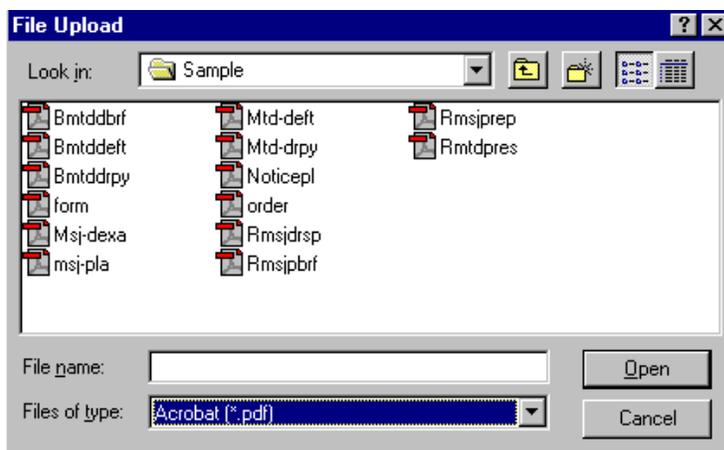
## STEP SEVEN: ATTACH YOUR PLEADING

Now you need to remember where you saved that “PDF” file you created earlier. Click the “Browse” button to locate the file on your computer or on a floppy disk. The following screen will appear:



By default, Netscape looks for files that end in “.html”. Your file ends in “.pdf”. You need to change the setting to search for all files by clicking on the down arrow and selecting “Acrobat (\*.pdf)” or “All Files(\*.\*)”.

Find the name of your file on your computer. Click on it to select it. The file name should now appear in the “Browse” box.



Now you need to describe and select the exhibit. Click in the box that indicates “Exhibit/Attachment” and overwrite the entry with a description of the file, such as “Affidavit of J. Doe.” Then, as with the main pleading, you must retrieve the exhibit PDF file. Click on browse and follow the steps listed

Affidavit of J. Doe	
Q:\ACE\SAMPLE\Msj-dexa.pdf	<b>Browse...</b> (see note <a href="#">4</a> )

above. Once you find your document, click on it so that the path is indicated in the box as shown above.

Now it is time to submit the documents. Make sure that these are really the files that you want to submit. Once you click on “File Document” there is no turning back. (See the section on Incorrect or “Bad” filings.) If everything is OK, Click the “File Document” button.

### **STEP EIGHT: HOW DO YOU KNOW IF IT WORKED?**

A confirmation like the one below will appear on your screen a few seconds after you click the “Submit” button.

**Confirmation of Electronic Filing**

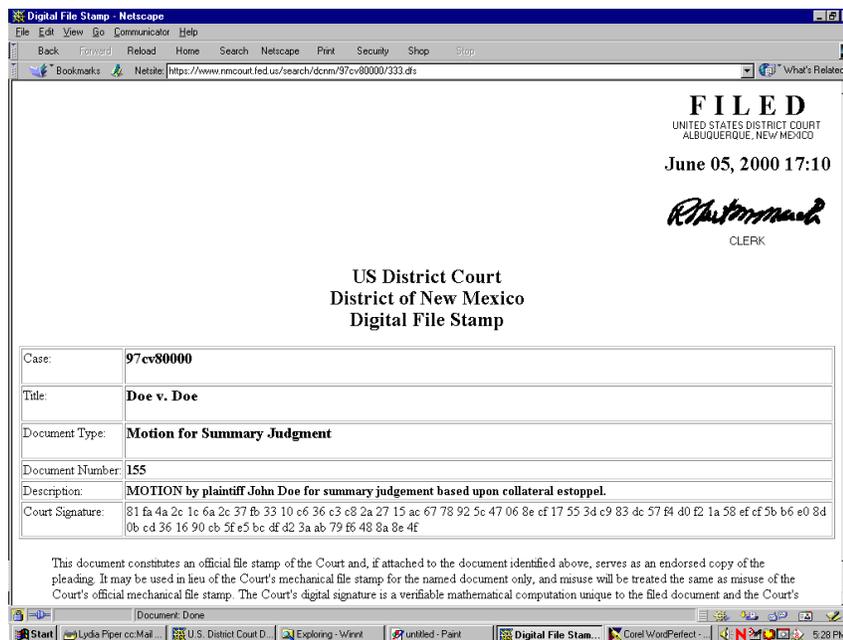
Official Date Filed:	06/05/2000
Case Number:	<a href="#">97cv80000</a>
Case Title:	Doe v. Doe
Document Number:	155
Description:	MOTION by plaintiff John Doe for summary judgement based upon collateral estoppel.
Document File Name:	Q:\ACE\SAMPLE\msj-pla.pdf was successfully filed.
Exhibit/attachment No:	1 of 1 Q:\ACE\SAMPLE\Msj-dexa.pdf was successfully filed.

This is your verification that your document was received by the court. It lists the date the document was filed, the case number, the description of the document that you provided and the name of the file you attached. It will also list the number of attachments that were filed with the document if there were any. This is the only time you will see this screen. You can print it and save a copy with your case file if you wish. You can also view the docket sheet from this screen by clicking on the case number highlighted in blue. To get out of this screen and return to the attorney main menu, you will need to click the “Back” button in the Netscape menu bar.

The District Court is allowing electronic filing in “mixed cases.” This means that only one attorney or party need be filing electronically in a case for it to be electronically activated. However, **it is still the responsibility of the attorney or party to serve the other parties in the case via the USPS.** Rules are currently being reviewed to allow service by electronic mailbox, fax or e-mail when agreed to by both parties.

## STEP NINE: THE DIGITAL FILE STAMP

As previously mentioned, each of the entries on the docket sheet have a “DFS” hypertext link. DFS stands for Digital File Stamp. When you Click on the DFS a screen like the one below will appear. This is the electronic filing equivalent of the file stamp you currently receive at the Clerk's Office Intake counter. This file stamp contains the case number, type of document and the document description. To obtain a Conformed Copy of your filed document, simply print out this page and attach it to a copy of the document. In the electronic world, you can obtain a Conformed Copy at any time.



The DFS also contains a section at the bottom (the Court Signature) that appears to make no sense. When your document is filed electronically, our system runs a mathematical algorithm which incorporates variable such as the date the document was filed and the number of letters in the document among other things. The result of the calculation are the numbers and letters you see at the bottom of the digital file stamp. This series of characters is unique to your document and that particular moment of filing. It cannot be recreated. The court uses this file stamp as a means of authenticating your document if questions about authenticity arise in the future.

You have successfully electronically filed a document with the court. At anytime you can access your document via the Internet for printing or viewing. Again, please note that you cannot convert a PDF document back into a WordPerfect or Word format.

## Ace Mailbox

When you sign up for electronic filing, you are assigned an ACE mailbox. Each time a document is electronically filed in a case you are associated with, a copy is deposited in your electronic mailbox for viewing. This includes documents filed by attorneys and by the court. To check your mailbox, select “**Electronic Filing Mailbox**” from the attorney main menu. The following screen will appear:

### Electronic Mailbox

All case events beginning with the date specified will be displayed.

**From:**  -  -

Display unmarked filings only  
 Display marked and unmarked filings

By default, the system will provide you with a listing of all pleadings filed in any of your electronic cases during the last seven days. You have the option of entering another date range. A check in the “Display unmarked filings only” will display unread mail only. A check mark in the “Display marked and unmarked filings” box will pull up both read and unread mail. Now click the “Display Electronic Filings” button.

### Electronic Filing Mailbox

**The processing of your request may take several minutes to complete.  
7 documents have been found. Formatting your data please wait.**

Click on the case number to display the complete entry, dfs and any exhibits or attachments

Case Number	File Date	EOD	Doc Num	Docket Description	Mark
<a href="#">97cv80000</a>	06/06/2000		159	<a href="#">MOTION</a> by plaintiff John Doe [for summary judgement based upon collateral estoppel.] (4k)	<input checked="" type="radio"/> No <input type="radio"/> Yes
<a href="#">97cv80000</a>	06/06/2000		158	<a href="#">MOTION</a> by defendant Jane Doe [for summary judgement based upon collateral estoppel.] (4k)	<input checked="" type="radio"/> No <input type="radio"/> Yes
<a href="#">97cv80000</a>	06/06/2000		157	<a href="#">MOTION</a> by defendant Jane Doe [for summary judgement based upon collateral estoppel.] (4k)	<input checked="" type="radio"/> No <input type="radio"/> Yes
<a href="#">97cv80000</a>	06/06/2000		156	<a href="#">MOTION</a> by plaintiff John Doe [for summary judgement based upon collateral estoppel.] (6k)	<input checked="" type="radio"/> No <input type="radio"/> Yes
<a href="#">97cv80000</a>	06/05/2000		155	<a href="#">MOTION</a> by plaintiff John Doe [for summary judgement based upon collateral estoppel.] (3k)	<input checked="" type="radio"/> No <input type="radio"/> Yes
<a href="#">97cv80000</a>	06/05/2000		153	<a href="#">UNOPPOSED MOTION</a> by plaintiff John Doe [Lets see if this works.] (69k)	<input checked="" type="radio"/> No <input type="radio"/> Yes
<a href="#">97cv80000</a>	05/31/2000		152	<a href="#">MOTION</a> by defendant Jane Doe [for summary judgement based on collateral estoppel.] (4k)	<input checked="" type="radio"/> No <input type="radio"/> Yes

Your mailbox will list all of the documents fitting your specifications. To mark a message as read, click in the “Mark” box located at the end of the line. Items arrive in your mailbox at the moment of filing so it is always current information.

To view a document in your mailbox, click on the document’s hypertext link (the colored section of text). This will launch your Adobe Acrobat reader software and the document will appear on the screen. To go to the case docket sheet, click on the case number.

## Internet E-Mail Alert

You can receive an Internet e-mail “alert” whenever something is filed electronically to a case that interests you. In order to use this feature, you must:

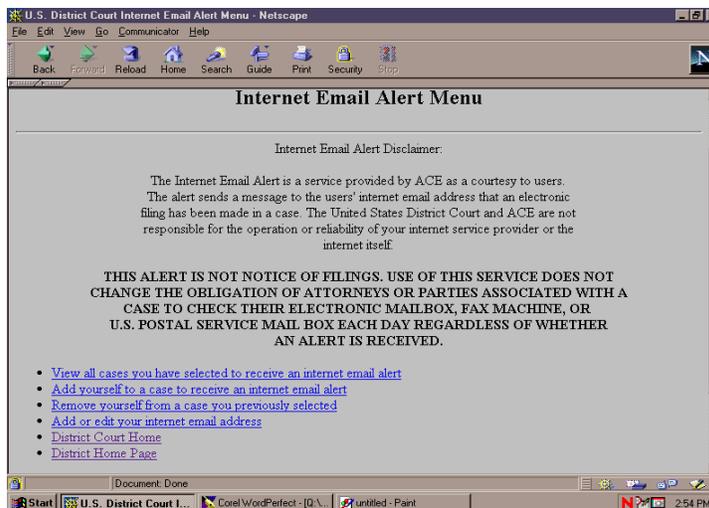
1. Have an ACE User Name and password
2. Know the case number of the case(s) you wish to add
3. Have an Internet e-mail account

The e-mail alert will note the case number and will let you know that there has been electronic activity in the case. It will not tell you what type of document was filed. You can view the full text of the document from the docket sheet. You may also obtain the document in person at the courthouse or request a faxed copy from the court’s copy center.

If you are an attorney participating in the court’s electronic filing program, you will automatically receive a copy of the docket in your ACE mailbox as soon as something is filed electronically. Some attorneys have reported that they forget to check their ACE mailbox and requested another means of notification when documents are filed. The Internet e-mail alert system serves this purpose. This system is not considered to be notice from the court. It is strictly a service provided by the court as a courtesy to users.

Some individuals may have an interest in a case even though they are not an official party to that case. This system provides an easy means for people to track activity in these cases without having to constantly check the docket(s). The Internet email alert does not provide information on the type of document filed, but it does alert the individual that there has been activity so that he/she may then check the case docket for specific information.

To add a case, click on the E-Mail Alert link under Attorney or Public Services. The following screen will appear:



You must first enter an e-mail address before you can add yourself to a case. Click on the “Add or edit your internet email address.” This will take you to the User Profile screen. Type in your Internet e-mail address as indicated.

**User Profile**

Internet E-Mail Address

**Password Information**

Current Password

New Password

Retype New Password

You can also change your current ACE password at this screen if you so desire. If you are not changing your password, leave these boxes blank. After entering your e-mail address, click on the Submit Information button.

This will bring you back to the e-mail alert screen. Click on the “Add yourself to a case to receive an internet e-mail alert” link. The following screen will appear.

THIS ALERT IS NOT NOTICE OF FILINGS. USE OF THIS SERVICE DOES NOT CHANGE THE OBLIGATION OF ATTORNEYS OR PARTIES ASSOCIATED WITH A CASE TO CHECK THEIR ELECTRONIC MAILBOX, FAX MACHINE, OR U.S. POSTAL SERVICE MAIL BOX EACH DAY REGARDLESS OF WHETHER AN ALERT IS RECEIVED.

To start receiving internet email alerts for a case,

**Enter Case Number**

(Ex: 95cv123 or 95m 123)

Type in the case number for the case you want to receive alerts about. Click on Set Alert. You will begin receiving e-mail alerts regarding the case you requested. You can sign up for as many cases as you wish. To stop receiving alerts, click on “Remove yourself from a case you previously selected.” A screen similar to the one above will appear. Enter the case number you wish to stop and click Remove Alert.



## Court Forms

In 1998, the court received a Federal Grant to convert all of its court forms to an electronic format. As a result, court forms are available in an electronic format to attorneys and their staff. The forms are available in two formats. The first is PDF, which can be printed for use in a type writer. The second format is FML, which can be filled out on-line and then printed for manual filing or converted into PDF for electronic filing. Both of these formats need special plugins that can be downloaded for free from the publishers. There are links on the home page and forms page to both publishers.

To access forms used by court staff, go to the District of New Mexico's main web site and click on "Court Forms." The following page will appear:



### United States District Court District of New Mexico

#### Court Forms

All forms are available in Acrobat PDF, OmniForm FML, and when possible, WordPerfect 5.1 and DOS/HTML text formats. Free reader/filler downloads and instructions on configuring your browser are available from [Adobe](#) (PDF) and [CAERE](#) (FML). The OmniForm format allows you to fill out the form online with the free download. The form can then be printed for paper filing or converted to PDF for electronic filing. Please note, however, the OmniForm format does not allow you to save the completed form in FML to be accessed later. All fields will be cleared when the form is closed. PLEASE NOTE: YOU SHOULD PRINT ALL PAGES OF A FORM, INCLUDING INSTRUCTIONS, AND BRING THEM TO THE CLERK'S OFFICE FOR FILING. COURT PERSONNEL WILL ADVISE WHICH PAGES NEED TO BE FILED.

Description	PDF Format	FML Format	Other Format
WWW Access Request Form			<a href="#">HTML</a> (2.6k)
Application for Admission to Federal Bar (SF - 001)	<a href="#">PDF</a> (18k)	<a href="#">FML</a> (34k)	
Application for Admission to 10th Cir. Court of Appeals (SF-011)	<a href="#">PDF</a> (11k)	<a href="#">FML</a> (10k)	
Cause of Action Codes	<a href="#">PDF</a> (507k)		
Civil Cover Sheet (JS 44 Rev. 12/96)	<a href="#">PDF</a> (29k)	<a href="#">FML</a> (77k)	
Civil Rights Complaint (42 U.S.C. Sec. 1983)	<a href="#">PDF</a> (16k)	<a href="#">FML</a> (28k)	
Civil Summons	<a href="#">PDF</a> (16k)	<a href="#">FML</a> (28k)	
CJA Letter - Appointment of Counsel	<a href="#">PDF</a> (18k)		
CJA SF-002 - Application for Membership	<a href="#">PDF</a> (16k)	<a href="#">FML</a> (22k)	
CJA 23 (Rev. 5/98) Financial Affidavit	<a href="#">PDF</a> (15k)	<a href="#">FML</a> (34k)	

Note there are columns to the right of the form name listing the different formats available. If you just want to print out a copy of the form, either format will do. However if you want to be able to fill the form out online, you should use the FML format. When you click on the FML link, the form will appear as shown on the next page.

Note the areas highlighted in yellow. These areas can be filled in and the form can then be printed. Please note, however, that the form cannot be saved with the information filled in unless it is converted into PDF format. Once in PDF format, it cannot be edited. To convert to PDF, click on PRINT and select Adobe PDF Writer as the printer.

JS 44 (Rev. 3/99)

## CIVIL COVER SHEET

The JS-44 civil cover sheet and information contained herein neither replace nor supplement the filing and service of pleadings or other papers as required by law, except as provided by local rules of court. This form, approved by the Judicial Conference of the United States in September 1974, is required for the use of the Clerk of Court for the purpose of initiating the civil docket sheet. (SEE INSTRUCTIONS ON THE REVERSE OF THE FORM.)

<p><b>1. (a) PLAINTIFFS</b></p> <div style="background-color: yellow; height: 30px; width: 100%;"></div> <p>(b) COUNTY OF RESIDENCE OF FIRST LISTED PLAINTIFF _____ (EXCEPT IN U.S. PLAINTIFF CASES)</p> <p>(c) ATTORNEYS (FIRM NAME, ADDRESS, AND TELEPHONE NUMBER)</p> <div style="background-color: yellow; height: 30px; width: 100%;"></div>	<p><b>DEFENDANTS</b></p> <div style="background-color: yellow; height: 30px; width: 100%;"></div> <p>COUNTY OF RESIDENCE OF FIRST LISTED DEFENDANT _____ (IN U.S. PLAINTIFF CASES ONLY)</p> <p>NOTE: IN LAND CONDEMNATION CASES, USE THE LOCATION OF THE TRACT OF LAND INVOLVED.</p> <p>ATTORNEYS (IF KNOWN)</p> <div style="background-color: yellow; height: 30px; width: 100%;"></div>																												
<p><b>II. BASIS OF JURISDICTION</b> (PLACE AN "X" IN ONE BOX ONLY)</p> <table style="width: 100%;"> <tr> <td><input type="checkbox"/> 1 U.S. Government Plaintiff</td> <td><input type="checkbox"/> 3 Federal Question (U.S. Government Not a Party)</td> </tr> <tr> <td><input type="checkbox"/> 2 U.S. Government Defendant</td> <td><input type="checkbox"/> 4 Diversity (Indicate Citizenship of Parties in Item III)</td> </tr> </table>	<input type="checkbox"/> 1 U.S. Government Plaintiff	<input type="checkbox"/> 3 Federal Question (U.S. Government Not a Party)	<input type="checkbox"/> 2 U.S. Government Defendant	<input type="checkbox"/> 4 Diversity (Indicate Citizenship of Parties in Item III)	<p><b>III. CITIZENSHIP OF PRINCIPAL PARTIES</b> (PLACE AN "X" IN ONE BOX FOR PLAINTIFF AND ONE BOX FOR DEFENDANT) (For Diversity Cases Only)</p> <table style="width: 100%;"> <thead> <tr> <th></th> <th style="text-align: center;">PTF</th> <th style="text-align: center;">DEF</th> <th></th> <th style="text-align: center;">PTF</th> <th style="text-align: center;">DEF</th> </tr> </thead> <tbody> <tr> <td>Citizen of This State</td> <td style="text-align: center;"><input type="checkbox"/> 1</td> <td style="text-align: center;"><input type="checkbox"/> 1</td> <td>Incorporated or Principal Place of Business In This State</td> <td style="text-align: center;"><input type="checkbox"/> 4</td> <td style="text-align: center;"><input type="checkbox"/> 4</td> </tr> <tr> <td>Citizen of Another State</td> <td style="text-align: center;"><input type="checkbox"/> 2</td> <td style="text-align: center;"><input type="checkbox"/> 2</td> <td>Incorporated and Principal Place of Business In Another State</td> <td style="text-align: center;"><input type="checkbox"/> 5</td> <td style="text-align: center;"><input type="checkbox"/> 5</td> </tr> <tr> <td>Citizen or Subject of a Foreign Country</td> <td style="text-align: center;"><input type="checkbox"/> 3</td> <td style="text-align: center;"><input type="checkbox"/> 3</td> <td>Foreign Nation</td> <td style="text-align: center;"><input type="checkbox"/> 6</td> <td style="text-align: center;"><input type="checkbox"/> 6</td> </tr> </tbody> </table>		PTF	DEF		PTF	DEF	Citizen of This State	<input type="checkbox"/> 1	<input type="checkbox"/> 1	Incorporated or Principal Place of Business In This State	<input type="checkbox"/> 4	<input type="checkbox"/> 4	Citizen of Another State	<input type="checkbox"/> 2	<input type="checkbox"/> 2	Incorporated and Principal Place of Business In Another State	<input type="checkbox"/> 5	<input type="checkbox"/> 5	Citizen or Subject of a Foreign Country	<input type="checkbox"/> 3	<input type="checkbox"/> 3	Foreign Nation	<input type="checkbox"/> 6	<input type="checkbox"/> 6
<input type="checkbox"/> 1 U.S. Government Plaintiff	<input type="checkbox"/> 3 Federal Question (U.S. Government Not a Party)																												
<input type="checkbox"/> 2 U.S. Government Defendant	<input type="checkbox"/> 4 Diversity (Indicate Citizenship of Parties in Item III)																												
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Citizen of Another State	<input type="checkbox"/> 2	<input type="checkbox"/> 2	Incorporated and Principal Place of Business In Another State	<input type="checkbox"/> 5	<input type="checkbox"/> 5																								
Citizen or Subject of a Foreign Country	<input type="checkbox"/> 3	<input type="checkbox"/> 3	Foreign Nation	<input type="checkbox"/> 6	<input type="checkbox"/> 6																								
<p><b>IV. NATURE OF SUIT</b> (PLACE AN "X" IN ONE BOX ONLY)</p>																													

If there are any forms that you will be using that do not appear on the court's web sites, please notify the IS division systems analyst so it can be scanned and converted for use on the Internet.

## **RELATED COURT INFORMATION**

### **CASE OPENING AND FEE COLLECTION**

At this time, the District Court does not allow cases to be opened electronically. Therefore, all initial complaints must be filed manually at the Federal Court and fees paid at the intake counter. Once a case has been opened, the complaint is then scanned and filed electronically by a court employee so that it is available on-line.

We anticipate having case opening available towards the end of 1999. At that time, the District Court will establish a credit card account policy for attorneys similar to that which is being used by the Bankruptcy Court. The court will make an announcement when this feature is available.

### **CERTIFICATE OF SERVICE**

When preparing your pleading, please include the Certificate of Service on the pleading itself. Do not prepare a separate Certificate. When filing the document, please remember to type in your name and the date of service. This information is used when docketing the pleading in our internal case management system.

### **CIVIL AND CRIMINAL CASES**

At this time, the District Court is only accepting civil cases electronically. We hope to have criminal case filing available in the near future.

### **CONFORMED COPIES**

To obtain a conformed copy of any electronically filed document, go to the docket sheet in that case, locate the document you are interested in, then click on the "DFS" under the REF column for that document. Print out the DFS and attach it to a copy of the pleading. See copy requirements below.

### **COPY REQUIREMENTS**

The court copy requirements are waived for all electronically filed documents. If you are unable to file a document electronically for some reason and file it at the counter or via the drop box, you must file the pleading with the required number of copies.

## **DROP BOX RULE**

Documents filed using the electronic filing system are considered filed the moment you click on the submit button and the document is recognized by our system. The file date on the docket sheet reflects the actual date of filing. The digital file stamp reflects the actual date and time of filing. For purposes of deadlines, the drop box rule applies to electronically filed documents, even though the document is not backdated. For example, if you file a document on Saturday, December 1 at 11:00 p.m., the system will show that the file date and time were 12/1/98 at 11:00 p.m. If a question comes up regarding deadlines, your document will be considered filed with the court as of Friday, November 30 at 12:00 midnight, just as though you had filed the document through the drop box. **Please note: attorneys are responsible for knowing when a document was actually due when calendaring or tracking dates.**

## **EXHIBITS**

Attorneys can file exhibits electronically or manually with the court. The following are frequently asked questions regarding the filing of exhibits:

### **Q. How do I file an exhibit electronically.**

**A.** As with any document filed electronically with the court, all exhibits must be in PDF format. Therefore, if you have five affidavits you want to file, each will have to be converted into its own PDF file.

### **Q. What if I didn't create the exhibit? How can I convert it into PDF?**

**A.** If you did not create the exhibit, i.e., you do not have a copy on your computer to convert, it can be scanned in as a PDF. Make sure your scanner software supports PDF.

### **Q. What if I don't have a scanner? What if the exhibit is oversized or too big for the scanner?**

**A.** If you are unable to convert an exhibit into PDF for any reason, you can always file that exhibit manually with the court. If you file exhibits manually with the court in connection with an electronically filed document, you should electronically file an "Exhibit List" with the original pleading listing the documents that were manually filed. The Exhibit List would be filed as an "Exhibit/Attachment" and must be converted into a PDF document.

In addition, you must file the exhibits on the date the original document is due. If you live in a remote area, you can mail the exhibits on the same date. We will go by the postage date.

**Q. Can I file some exhibits manually and some exhibits electronically?**

**A.** Yes. In addition to the electronically filed exhibits, you should also file an “Exhibit List” listing those documents filed manually.

**Q. How do I electronically file documents which require signatures, such as Affidavits?**

**A.** If an exhibit requires a signature, you can do several things:

1. File the document manually; OR
2. Prepare and print the document; have it signed and notarized as usual, then scan the original in as a PDF and file it electronically. Be sure to keep the original in your file; OR
3. Prepare and print the document; have it signed and notarized as usual, then keep the original in the file. Convert the unsigned document into PDF and electronically file it with the court. If there is any question, you will be asked to produce the original document. Make sure you have the original signed and dated on or before the date you electronically file the unsigned copy.

**Q. How do I handle “Duplicate Exhibits”, i.e., those exhibits that have been filed before but are referred to in another document.**

**A.** If you refer to previously filed exhibits in your pleading, you should file an Exhibit List detailing when those exhibits were filed and how (electronically or manually). You do not need to re-file them.

**Q. How do I “highlight” electronically filed exhibits.**

**A.** Most word processing programs have a highlighting tool which allows you to highlight lines of text in a document. When you convert the document into PDF, this highlighting will be transferred. You can also go into Adobe Acrobat Exchange and highlight the lines after the document has been converted into PDF.

**EOD/OFFICIAL FILING DATE**

The filed date for an electronic document is the moment it reaches the ACE server and you receive your screen confirmation. At this point, your electronic document is still printed in the courthouse and manually docketed into our court ICMS or BANCAP database. The “Entered On

Docket” date (EOD) is the date when the clerk docket the information into one of these databases. At some point in the future, we plan on automatically docketing pleadings. At that point, the entered on docket date will be the same date as the filed date.

## **HARDWARE/SOFTWARE NEEDED TO START ELECTRONIC FILING**

Before you can electronically file documents with the court, you will need the following:

### **Software**

4. Netscape or Internet Explorer browser software
5. Adobe Acrobat PDF writer (available at a discount from Adobe for members of the bar. Please call 888-502-5275 for more information.)
6. A Windows-based or Macintosh word processor or forms creation program to create pleadings

### **Hardware**

7. Macintosh computer running system 7.0 or later or
8. PC running Microsoft Windows 3.1, Windows 95 or Windows NT -- the PC must be at least a 486, 66 MHZ machine
9. At least 16 MB of RAM
10. A modem running at least 28.8 kbs or a direct Internet connection
11. Image scanner (nice to have, not required)

For additional information regarding hardware and software specifications, please call our offices at 505-348-2082 (district court) or 505-248-6509 (bankruptcy court).

## **INCORRECT OR “BAD” FILINGS**

There will be times when the wrong document is accidentally filed or a document is filed in the wrong case. In these instances, at this time, the court requires the attorney to file a “Notice of Withdrawal of Incorrectly Filed Document.” The Notice will be linked to the incorrectly filed document which will terminate any Court action triggered by the incorrectly filed document. The docket entry for the incorrectly filed document will remain on the Court’s docket, but the notation “Filed in Error, Filer Notified” will be added. Incorrectly filed documents remain in the record unless removal is ordered by the court. The court is currently reviewing this issue.

**It is the Filer’s responsibility to ensure that the correct document is filed in the correct case.** The correct document may be filed at any time during the above-described procedure.

## INITIATING ELECTRONIC FILING IN A CASE

As mentioned earlier, you may initiate electronic filing in any civil case in the district court. At this time, the District of New Mexico is not accepting criminal cases for electronic filing. There are two ways to initiate electronic filing in a civil case:

1. At the initial scheduling conference; or
2. By manually filing a Motion to Initiate Electronic Filing, after a case is already in progress.

After each instance, the judges in the District of New Mexico will file an order allowing electronic filing in a case. When this order is filed, the case is “activated” and is ready to accept electronically filed pleadings. The order incorporates a waiver of the Motion Packet Rule (described below) and all pleadings filed manually or electronically must include an ACE notation in the caption. Please contact the court if you have any questions regarding this issue.

## LARGE OR OVERSIZED DOCUMENTS

At this time, the court is adhering to Local Rule 7.7 - Length of Motion and Brief which states:

The combined length of a motion and supporting brief must not exceed twenty-seven (27) double-spaced pages. A response brief must not exceed twenty-four (24) double-spaced pages. A reply brief must not exceed twelve (12) double-spaced pages.

and 10.5 - Page Limit for Exhibits, which states:

Exhibits to a motion, response or reply, including excerpts from a deposition, must not exceed fifty (50) pages unless all parties agree otherwise. If agreement cannot be reached, then the party seeking to exceed the page limit must file a motion in accordance with D.N.M.LR-Civ. 7. A party may file only those pages of an exhibit which are to be brought to the Court's attention.

The court is currently reviewing new language to be inserted into the Local Rules regarding electronic filing.

## MIXED CASES

The District Court is allowing electronic filing in “mixed cases.” This means that only one attorney or party need be filing electronically in a case for it to be electronically activated. However, **it is still the responsibility of the attorney or party to serve the other parties in the case via the USPS.** Rules are currently being reviewed to allow service by electronic mailbox, fax or e-mail when agreed to by both parties.

## **MOTION PACKET RULE**

In both of the above described situations, the judges in the District of New Mexico have agreed to a standard order to waive packet submission requirements imposed by Local Rule 7.3(a). This order is filed electronically after a party indicates in person at the initial scheduling conference that he would like to file electronically, or after a party manually files a Motion to Initiate Electronic Filing. The order contains the following language:

- (1) The Court hereby relieves all parties in this action of the requirement imposed by Local Rule 7.3(a) that motions and their corresponding memoranda and exhibits be collected and submitted as a package for filing with the clerk's Office.
- (2) On all documents henceforth filed by any of the parties, the case number above shall be followed by the designation "ACE" (e.g., Civ. 97-9000 JC/WWD-ACE).
- (3) In addition to serving on all parties, the parties shall file directly with the Court any motions, briefs in support, responsive briefs, reply briefs and exhibits relating to them whether filed electronically on the ACE server or in paper form.
- (4) Parties retain the option under D.N.M. LR-Civ. 7.3(a)(3) of agreeing to unopposed extensions of time unless the extension would interfere with established case management deadlines. Timing for filing responses and replies must conform with D.N.M. LR-Civ. 7.6 unless the parties agree otherwise.
- (5) Upon completion of the briefing process, the movant shall file with the Court and serve on all parties a "Notice of Completion" specifically identifying the pertinent motion ready for a decision and any briefs or other documents which have been filed relating to that motion.

As stated in the language of the Order Waiving Packet Submission Requirement to Facilitate Electronic Filing, once a case becomes "electronic", documents filed in that case, whether electronic or manual, must contain the word "ACE" immediately following the judge's initials in the case number. This indicates to the clerk's office that the packet submission waiver is in effect. In addition, whomever initiates the motion must file a "Notice of Completion" when all documents have been filed with the court. This motion can be filed electronically or manually.

## **NOTICING BY THE COURT**

Chambers staff are currently able to file court generated documents (notices, orders, opinions, etc.) electronically through the ACE system using procedures similar to the steps you learned today. After someone in chambers files a document electronically, it is submitted to the ACE automated noticing system. Notices filed before 4:30 are sent out the same day. Notices submitted after 4:30 are filed immediately but are not sent until the next business day. The system faxes notices to parties who have opted to receive their notice via fax, then prints out notices and labels for parties who will receive notice by mail. Parties also have the option of receiving notice electronically. These notices are sent instantly when the document is electronically filed.

## **SEALED CASES**

At this time the court does not accept sealed documents or sealed cases electronically.

## **SERVICE**

As noted above, it is the responsibility of the attorney or party to serve the other parties in the case via the USPS or hand delivery. Rules are currently being reviewed to allow service by electronic mailbox, fax or e-mail when agreed to by both parties.

## **SYSTEM AVAILABILITY**

The electronic filing system was designed to be available seven days a week. The system is unavailable for several hours beginning at 11:00 p.m. so that we can run backups and maintenance. Our systems staff make every effort to insure that the electronic filing system is available to users at all other times of the day. Despite these efforts, there may be occasions when you are unable to reach the system. We anticipate that this typically will not occur for any extended length of time. The first suggestion would be to exit the system and try back again. If you are unable to electronically file a pleading due to the system being down, please take the following steps:

1. Call Marte Adams at 505-348-2012 at the U.S. District Court and explain that you are having trouble connecting to the server. If you reach her answering machine, leave a message that you are faxing a copy of the document and exhibits. (If your phone lines are down and you are unable to contact Marte or fax your documents, **YOU MUST BRING THEM TO THE CLERK'S OFFICE FOR FILING.**)
2. Fax your completed document and exhibits to 505-348-2028. Your fax machine should confirm transmission. The clerk's office fax machine will indicate the date and time the fax was sent on the document. If your fax machine does not confirm the fax was sent, please call the clerk's office to verify the document was received.
3. As soon as you are able to make a connection to the server, submit the same document electronically, then call the clerk's office and let them know that the faxed document is now available on the system. The clerk's office will back date your electronic document to reflect the date and time on the fax transmission.

**Please note: You always have the option of filing the document manually over the counter or via the drop box. Such documents will be scanned into the electronic file.**

# APPENDIX A

## ACCOUNT REQUEST FORM

# APPENDIX B

## SAMPLE ORDER FACILITATING ELECTRONIC FILING IN A CASE

# APPENDIX C

## AUTHORIZATION TO SEND ORDERS AND JUDGMENTS BY FACSIMILE TRANSMISSION