

UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MARYLAND



INTRODUCTION TO THE FEDERAL BAR

APRIL 2015

UNITED STATES DISTRICT COURT FOR THE DISTRICT OF MARYLAND

www.mdd.uscourts.gov

Northern Division

4228 U.S. Courthouse
101 West Lombard Street
Baltimore, MD 21201
410-962-2600

Southern Division

6500 Cherrywood Lane
Suite 200
Greenbelt, MD 20770
301-344-0660

Salisbury Office

U.S. District Court
Federal Building
Room 104
129 East Main Street
P.O. Box 75
Salisbury, MD 21801

Felicia C. Cannon, Clerk of Court

Jarrett B. Perlow, Chief Deputy Clerk (Operations)

Elizabeth B. Snowden, Chief Deputy Clerk (Administration & Information Technology)

Northern Division Counties

Allegany	Carroll	Harford	Talbot
Anne Arundel	Cecil	Howard	Washington
Baltimore	Dorchester	Kent	Wicomico
Baltimore City	Frederick	Queen Anne's	Worcester
Caroline	Garrett	Somerset	

Southern Division Counties

Calvert	Montgomery	St. Mary's
Charles	Prince George's	

ELECTRONIC CASE FILING AND INFORMATION

<https://ecf.mdd.uscourts.gov>

PACER

<http://www.pacer.gov> • 800-676-6856

UNITED STATES DISTRICT COURT FOR THE DISTRICT OF MARYLAND

COURT REPORTERS

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Mary Zajac	Baltimore	410-962-4544
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U.S. PRETRIAL SERVICES & U.S. PROBATION OFFICE

William F. Henry, Chief Probation Officer

Northern Division

Pretrial Services

Suite 1625
101 W. Lombard Street
Baltimore, MD 21201
410-962-4820

Probation Office

Suite 400
250 W. Pratt Street
Baltimore, MD 21201
410-962-4740

Southern Division

Pretrial Services

Suite 180
6500 Cherrywood Lane
Greenbelt, MD 20770
301-344-0375

Probation Office

Suite 200
9200 Edmonston Road
Greenbelt, MD 20770
301-344-0510

FEDERAL PUBLIC DEFENDER'S OFFICE

James Wyda, Federal Public Defender

Northern Division

Suite 900
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Baltimore, MD 21201
410-962-3962
410-962-0872 (fax)

Southern Division

Suite 710
6411 Ivy Lane
Greenbelt, MD 20770
9-301-344-0600
9-301-344-0019 (fax)

Toll Free 1-855-213-8450

RELATED AGENCIES

U.S. ATTORNEY'S OFFICE

Rod J. Rosenstein, U.S. Attorney

Northern Division

36 S. Charles Street, 4th Floor
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410-209-4800

Southern Division

6406 Ivy Lane, 8th Floor
Greenbelt, MD 20770
301-344-4433

U.S. MARSHALS SERVICE

Johnny Hughes, U.S. Marshal

Suite 605
101 West Lombard Street
Baltimore, MD 21201
410-962-2220
301-344-8400

Criminal/Civil Process	410-962-7569
Fugitive Investigations	410-962-7566
Operations	410-962-2220
Prisoner Operations	410-962-2518

IMMIGRATION & NATURALIZATION SERVICES

U.S. Department of Homeland Security
Washington, DC 20528
202-282-8000
www.dhs.gov
www.ice.gov

PRACTICE TIPS FROM THE CLERK'S OFFICE

The bar and this Court both seek the efficient and orderly administration of justice in the District of Maryland. We offer these practice tips and invite suggestions from the bar as to better practices and procedures in these practical but important areas of judicial administration. Please share this advice with other lawyers, paralegals, and secretaries in your offices.

I. FILING DOCUMENTS WITH THE COURT

AMENDED PLEADINGS

- ❖ When filing an amended complaint, remember to file a copy identifying the amendments as is required by Local Rule 103.6(c). Amendment by interlineations is not permitted. Be sure to include any additional summonses in your filing, if needed.
- ❖ When filing a motion for leave to amend, be sure to attach the clean version of the proposed amended pleading as well as a copy identifying the amendments as separate attachments to the motion. In the motion, state whether the opposing party consents.

DISCOVERY

- ❖ Remember, you should NOT file with the court:
 - ✓ Discovery requests or responses
 - ✓ Rule 26(a) disclosures unless otherwise directed
 - ✓ Notices of service of discovery requests, responses, or depositions
- ❖ When seeking to compel discovery, read Local Rule 104.8 very carefully. This is a complicated procedure and many attorneys do not follow it correctly.
- ❖ When filing a motion to compel discovery, you must attach a Local Rule 104.7 certification regardless of whether any response was received to the discovery request. Before filing, refer to the Electronic Filing Requirement and Procedures Manual for Civil Cases for specific instructions. The Civil Procedures Manual or the Criminal Procedures Manual is located on our website under the CM/ECF menu, "CM/ECF Procedures" option.

MOTIONS PRACTICE

- ❖ You should calculate response and reply deadlines yourself, using Local Rule 105.2 and Fed. R. Civ. P. 6, rather than relying on deadlines set by the CM/ECF system.
- ❖ Under Local Rule 105.2.a, leave of court is required to file a surreply.
- ❖ Be mindful that the first brief filed in opposition or in support of a motion should be filed in CM/ECF using the event **Response in Opposition to Motion** or **Response in Support of Motion**; the **Reply** is generally filed by the moving party after the opposing party files a response and should be filed in CM/ECF using the event **Reply to Response to Motion**. You must use the above events to file your response and reply to ensure accurate reporting of briefed motions.
- ❖ When filing a motion in CM/ECF, please add as attachments to the motion the memorandum of points and authorities, each exhibit, and any proposed order as separate attachments. Please do not submit everything as a single document.
- ❖ In filing motions where an electronic filing is greater than 15 pages (total filing, including main document and attachments), please remember to promptly send the paper copy to the Clerk's Office for submission to chambers. Include the NEF on top of the document to facilitate delivery.
- ❖ In preparing motions,
 - ✓ Highlight key language in important exhibits or attached cases in yellow.
 - ✓ Tab exhibits in the paper copy.
 - ✓ Where dates are important, prepare a timeline to help the judge visualize the sequence.
 - ✓ Remember page limits for memoranda are very generous and are maximums, not suggested minimums.
 - ✓ Although the Court's Local Rules do not mandate a specific font size, a 12- point minimum should be used to make a memorandum easily readable.

- ❖ When filing a motion, especially procedural or more routine motions such as a motion to extend time, check with the opposing party and advise the Court of the party's position.

MOTIONS FOR CLERK'S ENTRY OF DEFAULT AND DEFAULT JUDGMENT

- ❖ A motion for Clerk's entry of default and a motion for default judgment are to be filed as two separate motions.
- ❖ Be sure to select the appropriate motion event code in CM/ECF: either **Default – Clerk's Entry of OR Default – Judgment** (or both). They are not synonymous events.
- ❖ If the defendant for whom default is requested is an individual, be sure to file an affidavit(s) regarding military, infancy, competency, and statement of amount due.

TAXATION OF COSTS

- ❖ If you are successful in your case, please use care in preparing and submitting your bill of costs, as it will expedite our processing.
- ❖ Please do not file this document as a motion; use the event **Bill of Costs**. Requests for attorney's fees should be filed as a separate motion. Expenses taxable by the Clerk should not be included in a motion for attorney's fees.
- ❖ Please review carefully the Clerk's *Guidelines for Bills of Costs* (available under the Forms & Manuals section of our website). The *Guidelines* explain in detail how to file and how to respond to bills of costs, including explaining which items are taxable by the Clerk of this Court.

QUESTIONS TO THE CLERK'S OFFICE

- ❖ Clerk's Office staff can assist you with routine procedural questions, such as what is needed to file something and how to go about filing something in CM/ECF, but deputy clerks may not give legal advice or interpretations on the federal rules, the local rules, court orders, or other matter of law.

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II. E-FILING TIPS

Here are a few useful tips and things to avoid or remember when you file in CM/ECF:

- ❖ Be careful to select the appropriate event in CM/ECF for the document you are filing. Frequently, a document is filed incorrectly as a motion. If in doubt, use the search feature on the top blue menu bar or call the Clerk's Office for assistance.
- ❖ File appearances. Remember to link your appearance to the appropriate party(ies) when prompted and always select the **notice** radio button when prompted to ensure you receive electronic notification on all future filings.
- ❖ When docketing a motion that requests more than one, or alternative, relief, the filer can and should select multiple reliefs from the drop down list in CM/ECF. For example, to file a motion to dismiss or for summary judgment, select both "dismiss" and "summary judgment" from the list of available events.
- ❖ File a motion for leave to file if the pleading is not authorized under the rules or an order of court and attach the proposed pleading (e.g., proposed amended complaint or proposed surreply).
- ❖ Sealed Documents/Cases – refer to the Civil Procedures Manual or the Criminal Procedures Manual located on our website under the CM/ECF menu, "CM/ECF Procedures" option.
- ❖ Please note that any document that is initially filed as an unsealed document may be publically available, even if it is sealed at a later time.
- ❖ Attach a notice of filing lengthy exhibits, when appropriate. Refer to the Civil Procedures Manual located on our website under the CM/ECF menu, "CM/ECF Procedures" option.
- ❖ Disks and CDs/DVDs should be properly formatted. Documents must be converted to PDF format.
- ❖ If you realize you have made an error when electronically filing a new case, DO NOT abort the filing and attempt to re-file the case. Continue opening the case until completion, and call the Clerk's Office as soon as possible for guidance.

- ❖ When filing a new case with attachments and/or exhibits, each individual attachment or exhibit must be a separate PDF file.
- ❖ When filing a notice of removal, each state court document must be scanned into a separate PDF file.
- ❖ When submitting a return of service, counsel should use the event **Summons Returned Executed**. When filing a return for a party who was served with a 60-day summons, use the event **Summons Return Executed as to USA**. These events must be used to set the answer deadline for the defendant(s). Do not select affidavit of service.
- ❖ You cannot enter an appearance in CM/ECF for another attorney. Attorneys must enter their own appearances for themselves. Similarly, you cannot “sign” a document for another attorney unless the document expressly states that you have been given permission to do so or you have a signed version in your possession. The Civil and Criminal Procedures Manuals explain this process in more detail.
- ❖ Remember: never leave a bad filing on the docket. If an error is made, please do not “re-file” the document. Notify the Clerk’s Office of the error and the filer will be advised how to proceed.
- ❖ Filings should NOT contain any personal identifiers. It is counsel’s responsibility to ensure compliance with Fed. R. Civ. P. 5.2 and Fed. R. Crim. P. 49.1.
- ❖ We are often asked about the difference between CM/ECF and PACER.

A CM/ECF account is one in which a login and password are assigned to individuals by the Court. The login is customarily the attorney’s initials together with the attorney’s five-digit bar number. When logging in as a CM/ECF user, the attorney will see the Civil and Criminal options on the menu bar. This account is exclusively used for filing documents with the Court.

A PACER account is one that can be either individual or a firm account and is provided by the PACER Service Center (www.pacer.gov). PACER is used to pull docket sheets, research case information on cases in which you are not

counsel, or to get a document after you have already used your one free look. PACER is real-time data.

A good practice when processing your free look is to open CM/ECF and minimize the browser. If you are prompted to login on your first click on the Notice of Electronic Filing, use your CM/ECF login first. Security restrictions on certain documents require that you identify yourself to the system as a case participant in order to obtain access.

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III. COMING TO COURT

COURTROOM DEMEANOR

- ❖ Attorneys should arrive for court in time to be settled at counsel table at least FIVE MINUTES prior to the scheduled start time of a proceeding. Criminal defense attorneys with clients in custody should be in the courtroom TEN MINUTES prior to the proceeding to allow sufficient time for the defendant to be brought into court. Judges expect the courtroom deputy to handle preliminary organizational matters before they take the bench. This requires the presence of counsel.
- ❖ Counsel should introduce to the courtroom deputy any other individual sitting at counsel table prior to the start of court (i.e., case agents, corporate representatives, etc.).
- ❖ If you are delayed for whatever reason, a phone call to chambers is appreciated and helpful.

ARGUING MOTIONS

- ❖ Where the record is substantial, pull out the few key exhibits and make an additional copy to hand the judge during argument.
- ❖ If there are several key cases you plan to discuss in the argument, make a copy for the Court, highlight key language and hand to the judge during the argument.

COURTROOM TECHNOLOGY

- ❖ It is STRONGLY advised that any attorney planning to use evidence presentation systems in the courtroom should contact the IT HELP DESK well in advance of the proceeding to schedule a time to arrange a test run of the equipment. Since there is no standard format for storing and manipulating media and data, files may not play back as intended on the Court's equipment.
- ❖ Videoconferencing also presents compatibility issues that require advance testing and coordination with remote sites. Please submit requests for videoconferencing well enough in advance to provide timely technical support.

- ❖ The IT Department provides regularly scheduled training on our Electronic Evidence Presentation Systems (EEPS) in Baltimore and Greenbelt. These classes will give you hands-on experience with the newest equipment we have in our courtrooms. Feel free to bring your laptop and VGA cable with you so you can familiarize yourself with connecting your equipment to our systems. Register for the free classes on our website under the CM/ECF menu, then select “EEPS Training for Attorneys – Enroll.”

JURY SELECTION

- ❖ The Jury Selection Plan is available on the Court’s website under the Jury and Naturalization Services menu.
- ❖ Jury lists are provided to counsel on the morning of trial in the courtroom.
- ❖ The Jury Department is not involved in the process of developing jury instructions. The trial judge will coordinate the formation, collection, and dissemination of jury instructions.
- ❖ Attorneys should avoid entering the Jury Assembly Room at any time jurors are reporting for service.

MEDIATIONS

- ❖ Meet deadlines for submission of ex parte letters, demands, and offers to be exchanged prior to the conference; follow all directions in the letter order from the Court. This saves chambers’ staff from reminder calls and helps to ensure a successful mediation.
- ❖ As soon as you get a date for mediation, confirm the availability of all necessary parties; do not wait months to do so, resulting in the need to change the conference date at the last minute (leaving a hole in the Court’s calendar). The Court views these conferences as “court dates,” not casually scheduled.
- ❖ Follow up with the Court as directed following conferences; do not make chambers’ staff call you.
- ❖ Be candid with the Court in your ex parte letters; saying you have no weaknesses in your case does not advance the ball.

- ❖ If issues arise that may impact the mediation, notify the Court in advance, either by letter or phone call. The presiding judge would rather hear about it in advance than find out on the day of mediation that there are barriers to a productive mediation.

- ❖ It is appropriate to address the mediating judge as judge or magistrate judge – not by first name or “Magistrate.”

INTERACTIONS WITH THE COURT AND STAFF

- ❖ Please notify the Court as far in advance of a hearing as possible if a settlement has been reached, the discovery dispute has been narrowed or resolved, or for any reason the hearing needs to be postponed or canceled.

- ❖ Courtesy is always appreciated!

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IV. MAINTAINING YOUR CM/ECF ACCOUNT AND BAR MEMBERSHIP

- ❖ **Members of the bar are required to register for CM/ECF and to maintain a current, working email address associated with their account.** An incorrect email address will cause an attorney to miss electronic notice of case filings, bar renewal notifications, and other notices from the Clerk's Office.
- ❖ Under Local Rules 102.1 and 701.3, attorneys must inform the Clerk of any changes in their contact information. Attorneys can update their phone, fax, and email information through their ECF accounts. For instructions, review "Updating Attorney Contact Information," which is available on the Court's website at <http://www.mdd.uscourts.gov/>, under the CM/ECF menu (select "CM/ECF Procedures").
- ❖ Bar membership information is available on the Court's website under the Attorney Admissions menu (select "Find a Bar Member"). There you will find your current address on file with the Court, bar number, bar admission date, current membership status, and next renewal date.
- ❖ You may wish to sign up to receive electronic news and announcements from the Court. To do so, click on the Attorney Admissions menu on the Court's website, enter your email address in the box, and select Go.
- ❖ For name changes due to marriage, divorce, or court order, submit a letter to the Clerk's Office. The letter should include (1) the attorney's original name of membership, (2) the attorney's bar number, (3) a brief statement explaining the reason for the name change (e.g., marriage, divorce, or other), and (4) a certification that the attorney's new name is the same name of record in the state bar serving as the basis for the attorney's membership in this Court's bar. Copies of marriage certificates and court documents are no longer required.
- ❖ Instructions for requesting a certificate of good standing are available on our website under the Attorney Admissions menu (select "Certificate of Good Standing").

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