

# Electronic Public Access (EPA) Focus Group Meeting

## EPA Focus Group Overview

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### Overview

On July 31, 2003, an EPA focus group meeting was held in Omaha, Nebraska on the Case Management/Electronic Case Files (CM/ECF) system. The meeting was held at the request of the Administrative Office (AO) of the U.S. Courts in order to determine the impact of CM/ECF on the ways in which courts, attorneys and others access cases, file documents, and retrieve information.

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### Participants

Attorneys, paralegals, and legal assistants from different cities in Nebraska participated in the focus group discussion. Chief Judge Richard G. Kopf and members of Nebraska's CM/ECF project team observed.

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### Topics discussed

During the meeting, a facilitator asked the participants:

- How has your job changed with CM/ECF?
  - What are the advantages and disadvantages of CM/ECF?
  - How has your time shifted since CM/ECF?
  - What is the impact of costs?
  - What would make life easier in CM/ECF?
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### Participants' responses

The participants' responses are located on pages 3 - 8 of this document.

Reference: See the topic "Participants' Responses from July 31, 2003, EPA Focus Group Meeting."

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### AO's next steps

- The AO will compile and assess the feedback from the focus group discussions, along with data from a telephone survey of randomly selected participants.
  - The AO's study will help identify user preferences and illuminate strengths and weaknesses of CM/ECF.
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## EPA Focus Group Overview, Continued

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### **Nebraska's next steps**

Nebraska's CM/ECF project team will:

- review the notes from the meeting
  - discuss the recommendations that were made, and
  - offer a session on making changes to the CM/ECF system during the Fall 2004, Attorney Best Practices Forum.
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## Participants' Responses from July 31, 2003, EPA Focus Group Meeting

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**Job changes** The participants responded as follows to the question, "How has your job changed with CM/ECF?"

- Moved office to home
- Reduced need for secretary
- Streamlined operations
- Less money and time spent on mailing and copying
- Attorney is more efficient/independent
- Can file any day of the week and at any time
- Not fighting the 4:45 p.m. deadline any longer
- Documents are more accurate because not fighting the deadline
- Office has become more efficient
- More time to meet with clients because not worried about the 4:45 p.m. deadline; can meet with clients and file the document after the Clerk's Office is closed
- Happier office
- Western part of Nebraska - don't worry about mail delays
- Filing is easier
- Assistant's time has increased because she "does it all," saving to PDF and filing; works a lot with Bankruptcy cases too; takes additional time to check the electronic mailing notice before making the certificate of service to make sure everyone is signed up to receive electronic notice
- When filing, it is hard to categorize the documents to match CM/ECF
- Only printing documents as needed
- Increased need for additional scanners
- Younger attorneys seem to be more comfortable filing their own documents.
- Appreciate system
- System is very convenient

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**Participants' Responses from July 31, 2003, EPA Focus Group Meeting, Continued**

<b>Advantages/ disadvantages</b>	The participants responded as follows to the question, "What are the advantages and disadvantages of CM/ECF?"	
	<b>ADVANTAGES</b>	<b>DISADVANTAGES</b>
	Less paper (copying and production)	Sharing scanners in office
	Ability to eliminate or reduce secretarial staff (criminal side because less paper involved than civil)	Inability to access related cases in criminal (must go to public terminals in clerk's office to access related cases)
	Ability to create a document and send it with no need for support	When filing a document that is related to a document previously online, the abbreviations are confusing, e.g., brief that relates to a motion
	Substantial time savings and system is user-friendly	Large amounts of attachments take too long to print, e.g., index of evidence re: summary judgment motion
	Saves money (but not time)	Service is too easy when there are a large amount of attachments because the burden of printing is now on the receiving end; it would be better to receive in paper
	Access to the files and the system all of the time	Accessing documents in social security cases (CM/ECF and PACER login/password)
	Ability to respond quicker	Naming documents and figuring out which category to use when filing them (suggested changing the names of the events to following the orders, e.g., progression order)

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**Participants' Responses from July 31, 2003, EPA Focus Group Meeting, Continued**

<b>Advantages/ disadvantages (continued)</b>	<b>ADVANTAGES</b>	<b>DISADVANTAGES</b>
	More flexibility	Attorneys procrastinate longer
	Whole office is paperless (even access federal rules electronically)	When a document is too large, the need to break into smaller parts is cumbersome
	Office is thinking paperless	We are not making everyone use it - need to be more strict, especially with pro hac vice attorneys. There are too many loop holes in allowing an attorney to file paper.
	"Faxing is dumb," email is now used with pdf documents attached	Extending work day - staff is staying later
	Office is "pretty paperless" - save documents to network in office by file name	Procedures not uniform, e.g., how to file a new case and pay the filing fee
	Leaning more towards becoming paperless	Need electronic payment option
	Dramatic postage savings	Receiving different information from the clerk's office
	Office files are more complete now - not worried any longer about who has file-stamped copy	Some attorneys do not know how to file electronically so assistants are staying later
	Keeps office file on computer	Can't open case online
	Rarely need to drive to the courthouse	Costs incurred in getting set up
	Need for support staff (large firms, attorneys not filing electronically)	

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## Participants' Responses from July 31, 2003, EPA Focus Group Meeting, Continued

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### **Time shifts**

The participants responded as follows to the question, "How has your time shifted since CM/ECF?"

- No time spent on travel
  - No copying
  - Spends more time looking over documents because no pressure with time deadline
  - Time spent on mailing and copying has shifted to filing the document on system
  - Spending more time on legal research - asking paralegals to research more cases because documents are available on line
  - Attorney has not noticed any time savings because everything is delegated to secretary
  - Wild last-minute activity of meeting a deadline has decreased
  - Time has shifted to creating a high-quality product
  - Less time spent on document retrieval
  - Time spent on clerical activities has shifted to case management activities
  - Spend more time checking the docket
  - More time is spent at computer - prior to ECF time was spent dictating and making sure parties were properly served
  - No more time spent on preparing envelopes for mailing
  - More time spent on writing
  - Quality of life has increased - can leave work to spend time with family and get online later in the evening
  - Eliminated the problem associated with non-billable clerical work
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### **Impact of costs**

The participants responded as follows to the question, "What is the impact of costs?"

- Peanuts . . . costs are so small - don't charge
  - Cost of PACER is 1/3 of what was spent on a service company
  - Would spend more time tracking the PACER costs than it's worth
  - Printing summary judgment documents take too much time
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## Participants' Responses from July 31, 2003, EPA Focus Group Meeting, Continued

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### Impact of costs (continued)

- Most firms are not billing, one firm is looking into it and another does bill
  - On the PACER bill, there is no way to know which client to charge it to
  - Minimal costs because attorney gets free peak and are only charged when go back into a document
  - Huge savings for client because clients were previously billed for copying, mailing and PACER fees
  - Documents are essentially free unless you do not download or print it
  - Charged for viewing mailing list
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### Life easier

The participants responded as follows to the question, "What would make life easier in CM/ECF?"

- Once you login to the system, a screen should list all of your cases
  - Single login
  - Improve ability to completely logout when viewing documents from email
  - When working on criminal cases, needs to login and logout when moving from one criminal case to another
  - When cases are consolidated, file something in one case - not all 13
  - Have an electronic suggestion box - read it and act upon suggestions
  - Amending pleadings - when amended pleading is attached, attorney should not have to refile it - it's already on file
  - Put canned forms on website, e.g., templates for planning meetings, etc.
  - Getting kicked out of system when using the back button
  - File trial exhibits, why do exhibits need to be in binders; not clearly integrated with CM/ECF
  - Everyone needs to use it all of the time
  - Need to be able to see documents in other criminal cases, especially when the courthouse is so far away
  - Get the 8<sup>th</sup> Circuit Court of Appeals on board - it's like going back to the dark ages
  - Decrease the costs of getting on system
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## Participants' Responses from July 31, 2003, EPA Focus Group Meeting, Continued

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**Life easier,**  
(continued)

- When an attorney had to file for another attorney, the attorney who did the filing kept receiving electronic notice; want to be able to stop receiving notice
  - Fix browser problems
  - Allow filing of interrogatories and answers to interrogatories
  - Don't require a certificate of service, or only require if party is required to serve someone in paper form
  - Require attorneys admitted pro hac vice to participate in CM/ECF
  - If chambers are not using proposed orders, get rid of the requirement
  - Use text-only entries for motions that do not require a supporting brief
  - When a protective order is entered, allow attorneys to file sealed documents electronically
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