

**Administrative Office of the U.S. Courts
Department of Program Services
Case Management Systems Office**

CM/ECF

Release Notes

For PACER Users

District Release 1.5

October 2019

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Update Summary

Date	Section	Change
June 2019	All	Created document
July 2019	Updated Section 3, Added Section 5, and Known Issues	Added content and images
July 2019	Updated Section 4	Added Free Look/NEF content and image
October 2019	Sections 1, 3, 5, and Known Issues.	Miscellaneous edits.
October 2020	Section 5	Replaced text and images
October 2020	Section 5, and Known Issues	Minor edits implemented

1 TCPA NOS/COA Codes

The Subcommittee on Judicial Statistics agreed to create a new Nature of Suit (NOS) for cases involving the Telephone Consumer Protection Act (TCPA). A new NOS Code (485) has been created to identify these cases along with new Cause of Action value 47 U.S.C. § 227.

The TCPA, which limits the use of automatic dialers, text messages, faxes, and other automated telephone equipment for telemarketing purposes, was enacted in 1991 and is codified as 47 U.S.C. § 227. From 1991 through 2012, there were very few TCPA cases filed in the federal courts as the majority of circuits had ruled that the statutory language does not grant federal question jurisdiction to private TCPA actions. In 2012, the Supreme Court ruled unanimously in *Mims v. Arrow Fin Servs., LLC*, 565 U.S. 368 (2012), that federal courts have federal question jurisdiction in private TCPA cases, and the number of TCPA filings has increased substantially.

2 PACER Billing Receipt Changes

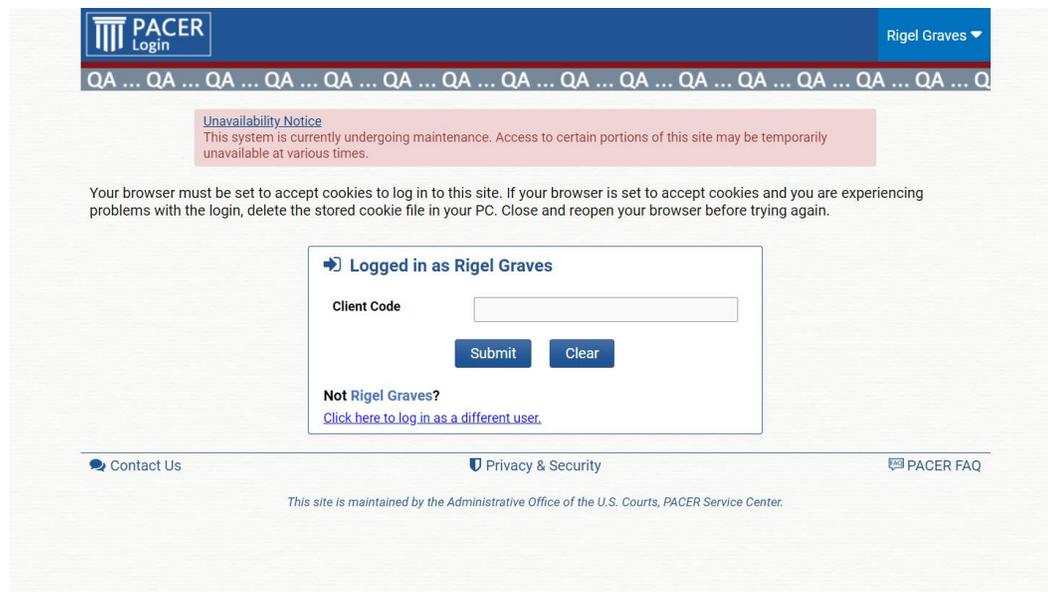
The billing receipt has changed for reports. When viewing the Docket Report, Civil Cases Report and Criminal Cases Report, the message "The report you requested is ___ pages. You will be billed for the exact number of pages." will no longer appear.

3 Change PACER Client Code

External users of CM/ECF needing to change their PACER client code will now be redirected to the new national Change Client Code interface to complete the Change Client Code function.



The screenshot shows the CM/ECF website's Utilities menu. The navigation bar includes links for Civil, Criminal, Query, Reports, Utilities, Search, Help, and Log Out. The Utilities section is highlighted in yellow and contains two main categories: 'Your Account' and 'Miscellaneous'. Under 'Your Account', there are links for 'Maintain Your Account', 'Maintain Your Address', 'Maintain Your E-mail', 'View Your Transaction Log', 'Change Client Code' (circled in red), and 'Review Billing History'. Under 'Miscellaneous', there are links for 'Legal Research...', 'Mailings...', 'Court Information', 'Verify a Document', and 'Internet Payment History'. Other utility links include 'Bar Admission - Allison', 'Release 4.0 Menu Items', and 'NextGen Release 1.1 Menu Items'.



The screenshot shows the PACER Login page. At the top left is the PACER Login logo, and at the top right is the user name 'Rigel Graves'. Below the navigation bar is a red banner with the text: 'Unavailability Notice: This system is currently undergoing maintenance. Access to certain portions of this site may be temporarily unavailable at various times.' Below the banner is a message: 'Your browser must be set to accept cookies to log in to this site. If your browser is set to accept cookies and you are experiencing problems with the login, delete the stored cookie file in your PC. Close and reopen your browser before trying again.' The main content area features a login form titled 'Logged in as Rigel Graves'. The form has a 'Client Code' input field, 'Submit' and 'Clear' buttons, and a link for 'Not Rigel Graves? Click here to log in as a different user.' At the bottom of the page are links for 'Contact Us', 'Privacy & Security', and 'PACER FAQ'. A footer note states: 'This site is maintained by the Administrative Office of the U.S. Courts, PACER Service Center.'

4 PACER/Attorney Free Look

This issue is about virus scanning tools on PACER/Attorney PCs using user's "free look"

Some users with virus scanning software included with their mail software have had issues where the virus scanning software accesses hyperlinks included in email messages; therefore, utilizing the recipient's "one free look" on CM/ECF filings. The changes described below will allow users experiencing this issue to prevent the problem in the future.

Users will have a new radio button on the Maintain Your Account and Maintain Your Email pages for each email address added.

The screenshot shows the 'Email Information for Adam Smith' page. The 'Configuration options' section is highlighted in yellow. The 'Verify free look use when viewing NEF documents?' option is circled in red and is currently set to 'Yes'. Other options include 'Should this e-mail address receive notices?' (Yes/No), 'How should notices be sent to this e-mail address?' (Per Filing/Summary Report), and 'In what format should notices be sent to this e-mail address?' (HTML/Text). The 'Case-specific options' section includes fields for adding additional cases and buttons to change notice methods.

If a user has indicated that they wish to be prompted before use of a free look on NEF-linked documents, and that user clicks an NEF link to an unrestricted document that would otherwise use the free look (Note: Not a link that results in a page of main document + attachment links), the application will first present the user with an intermediate page with a simple action confirmation that reads:

Notice: This action will use your one free look for this document. Additional viewings of this document in the future will incur a billing charge.

The **Continue** button will trigger the viewing of the document and usage of the free_mail record.
 The **Cancel** hyperlink will send the user to the default menu page and NOT use the free_mail record.

In the event that the document being viewed is under access control and the application produces a warning page alerting the user to the access limitations, the free look usage prompt (if applicable and if the user has opted to be prompted for free look usage as above) will appear on that same page.

5 Exempt PACER Users

Some PACER users (i.e., CJA Attorneys and PACER users provided court order exemptions) are sometimes exempt from paying PACER fees. In NextGen, PACER users that are sometimes exempt are provided with a mechanism for changing their exemption status as needed. The default exemption status for these users depends on the user type. CJA attorneys will default to not exempt, users with a court order exemption will only default to exempt when specified by the court order.

In release 1.5, the Change PACER Exemption Status utility now directs the user to the national Change PACER Exemption Status toggle interface:

1. PACER users with accounts set to sometimes exempt and in all jurisdictions (e.g., CJAs) will be able to self-select exempt status as needed. The exempt status will remain valid for the duration of the session or until the user changes it, as long as the user is navigating between courts running release 1.5 or higher. If the user navigates to courts running releases prior to 1.5, they will either have to reset the exemption status to exempt or log out and log in again using the "x-" prefix.

Note: For these users, every new session defaults to non-exempt status, if operating under exempt status the user must self-select exempt status for each new session.

2. PACER users with exempt court orders may have the exempt status turned on by default. The exempt status linked to a court order exemption does not follow the user from court to court. User should only be able to see the exemption status toggle in courts for which they have a court order exemption. In any other courts, the user should not see the exemption status toggle.

Known Issues

Topic	Issue Description
CJA Attorney/Exempt PACER Users	<p>In NextGen CM/ECF, CJA attorneys or other PACER account holders that have exempt status cannot move from court to court (NextGen to NextGen, NextGen to CurrentGen, or CurrentGen to NextGen) without having to reset the exemption status toggle for each court system (CM/ECF) they query data or cases from. PACER account holders that have exempt status experience this situation because CM/ECF is creating the PACER exemption cookie locally, and it is not recognized by other court CM/ECF applications as a valid exemption cookie. This statement does not apply for CJA or other PACER account holders moving from NextGen 1.5 to NextGen 1.5 courts since in NextGen 1.5 CM/ECF the exemption cookie is now created at the national level rather than locally.</p> <p>Workaround</p> <p>The CJA attorney or PACER exempt users must log in to the new court server and set the exemption status toggle(NextGen court) or login with the "x-" (CurrentGen court). If users do not do this, they must then contact the PSC to dispute the charges and identify which queries should have been exempt.</p>