

**UNITED STATES DISTRICT COURT
DISTRICT OF MAINE**

SOME FREQUENTLY ASKED QUESTIONS

Q: What type of advice can the Clerk's Office personnel give?

Clerk's Office staff cannot give "legal advice" and therefore cannot:

- Explain the meaning of a specific rule
- Make an interpretation of a case law
- Explain the result of taking or not taking an action in a case
- Answer whether jurisdiction is proper in a case
- Answer whether a complaint properly presents a claim

Clerk's Office staff can provide procedural information such as:

- Instruction on how to execute a task (number of copies, use of forms)
- Provide information as to compliance with Court policy

Clerk's Office staff cannot recommend a lawyer to you.

Q: What forms of payment are acceptable?

The Clerk's Office accepts payments by cash, money order, check and Visa, MasterCard, Discover, and American Express credit cards are accepted. We do not accept credit card payments for posting bail. Checks should be made payable to: Clerk, US District Court.

Q: Should discovery material be filed with the Clerk's Office?

No. Pursuant to Local Rule 5(b), discovery material, including initial disclosures made under Fed. R. Civ. P. 26(a) (1)-(3), shall not be filed except when needed in a particular pretrial or trial proceedings or upon order of the Court.

Q: How do I register a judgment from another district?

Complete a Certificate of Judgment, form AO451, and have it certified by the district court where the case originated. File the Certificate of Judgment, together with a certified copy of the judgment and a \$ 39.00 filing fee. It will be assigned a new miscellaneous case number.

Q: How do I issue out-of-state deposition subpoenas?

A subpoena shall be issued out of the district court where it will be served – the top portion of the subpoena should reflect the name of the district where the deposition or production of documents will be made. The name and civil number of the case should be the same as the name and number where the case is actually pending. Counsel should sign and issue the subpoena as an officer of the Court.

Fed. R. Civ. P. 45 does not require that completed subpoenas be issued by the Clerk's Office nor used under the seal of the Court. Attorneys are authorized to issue subpoenas in the name of any court in which they are authorized to practice, and in the case of a deposition or production subpoena taking place in another district, in the name of the court where the deposition or production is to take place. It is not required that an attorney be a member of the bar in the district where the subpoena is issued as long as the attorney is authorized to practice in the district where the primary action is pending.

Q: How do I retrieve a file from the Federal Records Center?

Closed files are archived and shipped to the National Archives and Records Administration located at 380 Trapelo Road, in Waltham, Massachusetts. Files are stored in specific locations identified with an accession number and a box number.

A request for an archived file can be made with the Clerk's Office in writing, together with a retrieval fee of \$45.00. NARA will generally send a closed file to the Clerk's Office within five to seven days of receipt of the retrieval request. You will be contacted when the file has been received, which will be kept in the Clerk's Office for one week.

Alternatively, records may be reviewed on site at the Waltham facility or copies of case documents may be mailed or faxed from NARA directly to the requestor. (Prior to calling NARA (781-663-0130), the requestor must obtain from the Clerk's Office the case file name and number, the accession number and the box location number).

Q: How does an attorney obtain a Certificate of Good Standing?

A request for a Certificate of Good Standing can be made to any member of the Clerk's Office staff. The fee is \$15.00.

Q: What is the procedure for gaining admission pro hac vice?

Visiting counsel should not file a motion to appear pro hac vice in order to practice in this court. Local Rule 83.1 (c)(1) provides that visiting counsel need only to certify that he/she is admitted to practice in another federal court or the highest court of any State and that he/she is not currently under any order of disbarment, suspension or and other discipline. Any such visiting counsel must have at all time associated with him/her a member of the bar of this Court.

Q: What is the procedure for a Bill of Costs?

The prevailing party can seek reimbursement for those costs that are taxable under Title 28 U.S.C. Section 1920 by filing a completed bill of cost form (which is available on the court's web page), together with supporting memorandum and documentation, within 30 days of entry of judgment. Any response or objection shall be filed within 21 days after the filing of the Bill of Costs. The Clerk will review the filings and will ordinarily have a conference with counsel prior to taxing costs. See Local Rule 54.3.

Q: What is the procedure for scheduling a disclosure proceeding?

Pursuant to Fed. R. Civ. P. 69(a), the process to enforce a money judgment must be in accordance with the procedures set forth in Title 14 Maine Revised Statutes Annotated sections 3120-3163. A disclosure hearing, usually held before a magistrate judge, is conducted to determine if there are any assets of the judgment debtor that can be taken to satisfy the judgment. Counsel for the judgment creditor must contact the Clerk's Office and obtain a date for the disclosure hearing and must then prepare a disclosure subpoena for service. Service of the disclosure subpoena on the judgment debtor must be made at least 10 days prior to the disclosure hearing. (The disclosure subpoena form is available on the court's web page).