

Welcome to the

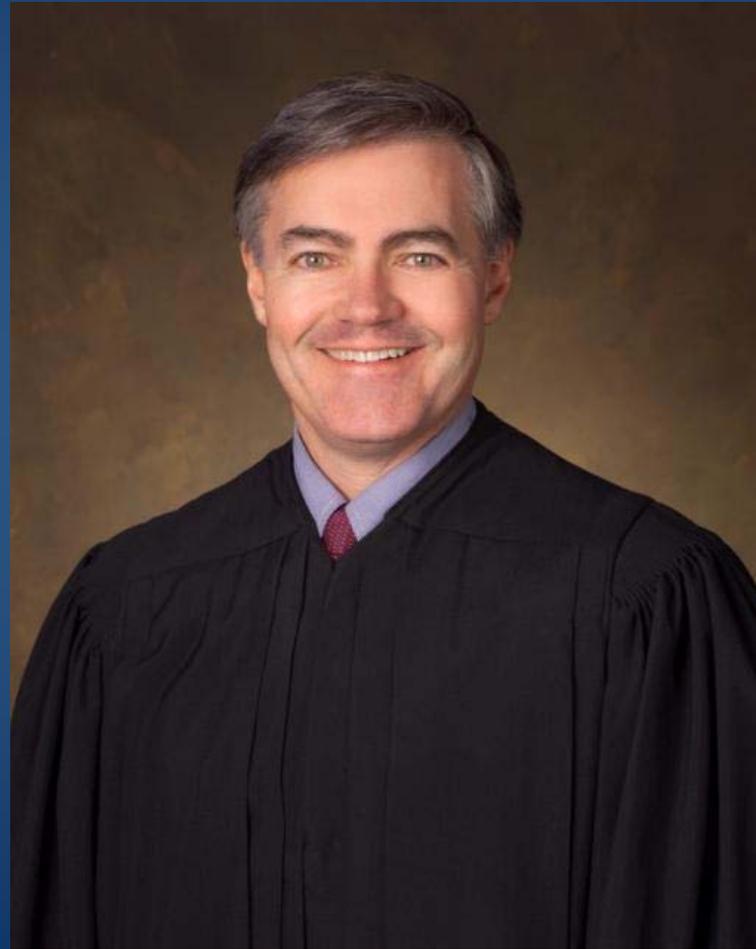
Attorney Best Practices Seminar



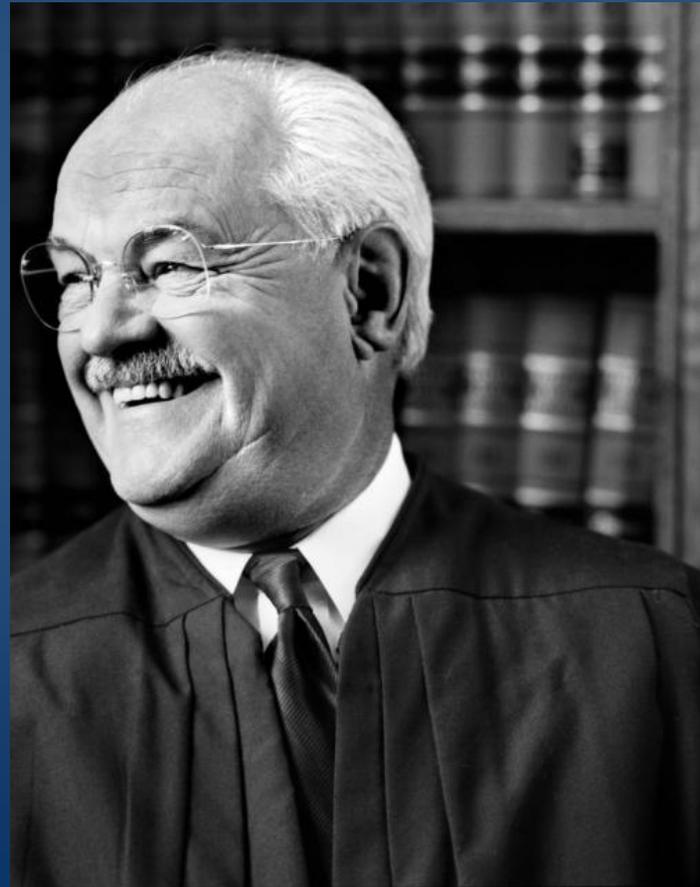
UNITED STATES DISTRICT COURT
DISTRICT OF MAINE



Chief Judge John A. Woodcock, Jr.



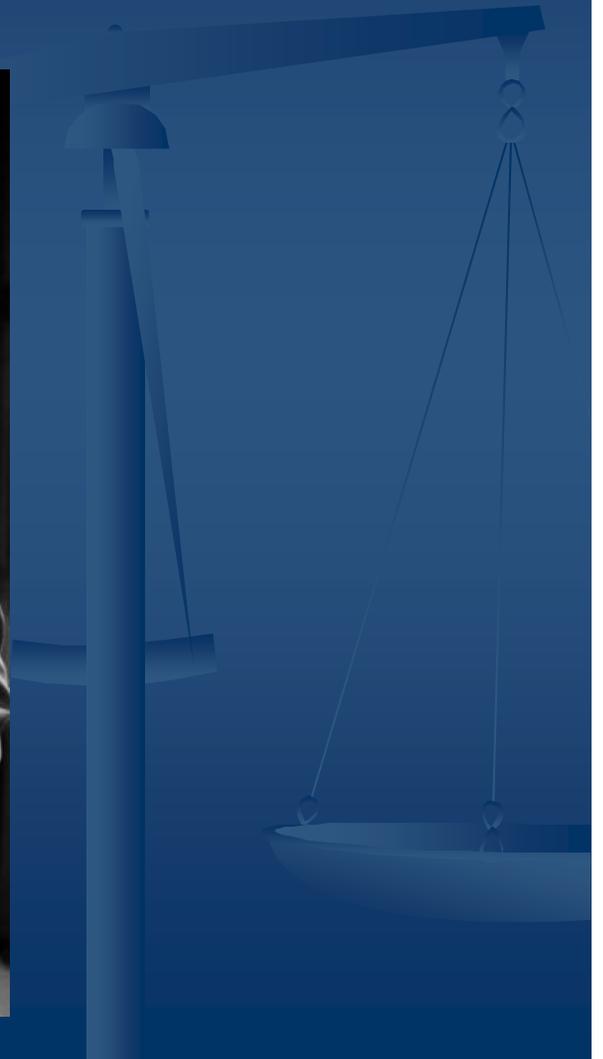
Senior District Judge Gene Carter



Senior District Judge D. Brock Hornby



District Judge George Z. Singal



District Judge Nancy Torresen



Magistrate Judge Margaret J. Kravchuk



Magistrate Judge John H. Rich III



Attorney Best Practices Seminar

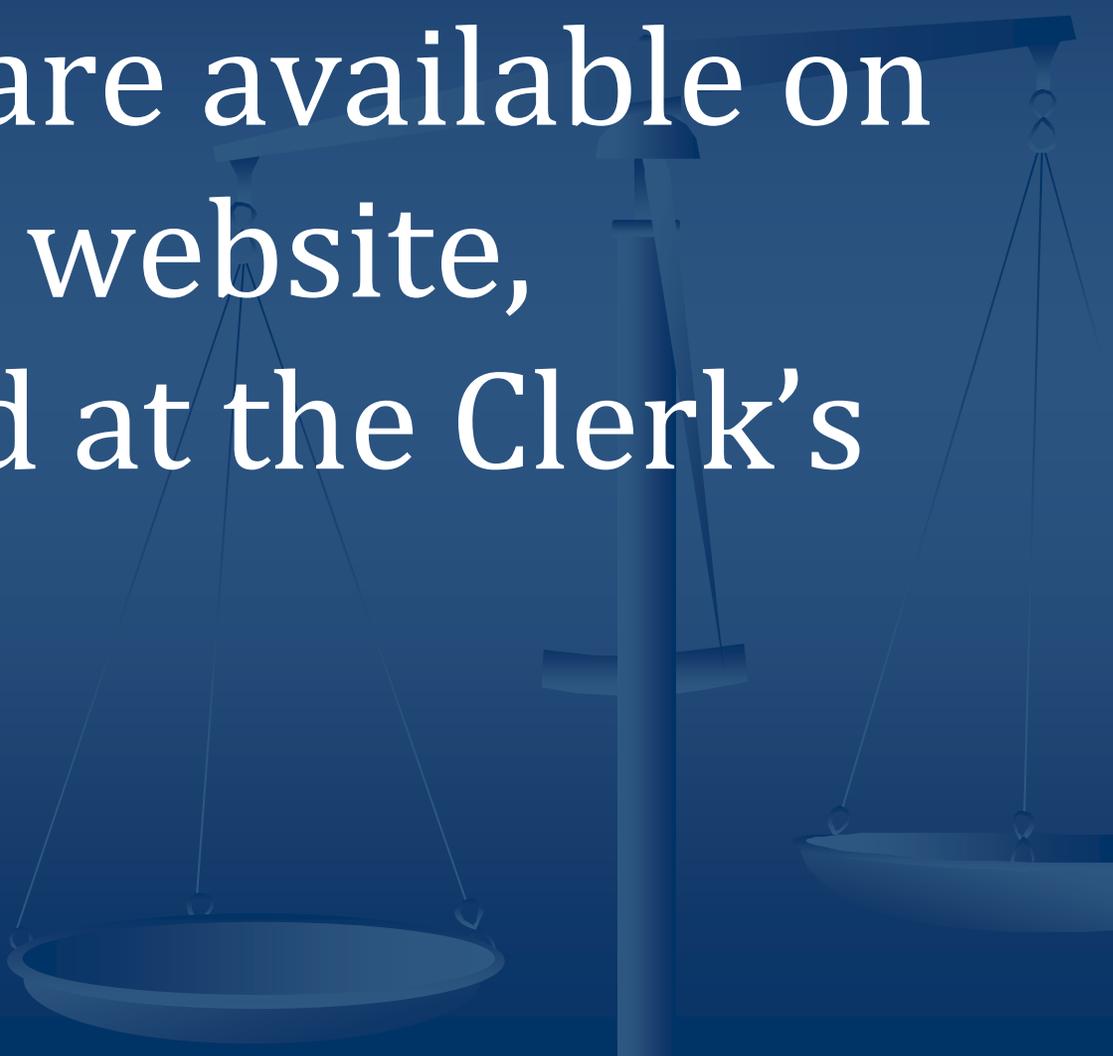
Courtroom Best Practices



UNITED STATES DISTRICT COURT
DISTRICT OF MAINE

Courtroom Calendars

Calendars are available on the Court's website, PACER, and at the Clerk's Office.



Courtroom Calendars



UNITED STATES DISTRICT COURT District of Maine

Honorable John A. Woodcock Jr., Chief Judge
Christa K. Berry, Clerk

Text Size: - A +

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Welcome

Welcome to the official website for the United States District Court for the District of Maine. We have offices in Portland and Bangor.

[Hours and directions »](#)



Electronic Court Calendar located on the Court's Website

<u>Date</u>	<u>Time</u>	<u>Proceeding</u>	<u>Location</u>	<u>Title</u>	<u>Docket No</u>	<u>Nature of Case</u>
01/25/2013	08:30AM	Jury Trial	Main Courtroom, Bangor bf JUDGE WOODCOCK	USA v. TRINIDAD- ACOSTA	1:11-cr-00205- JAW	CONSPIRACY TO POSSESS WITH INTENT TO DISTRIBUTE 28 GRAMS OR MORE OF COCAINE BASE; 21:846 AND 841(a)(1)
01/25/2013	08:30AM	Jury Trial	Main Courtroom, Bangor bf JUDGE WOODCOCK	USA v. COGSWELL	1:11-cr-00205- JAW	CONSPIRACY TO POSSESS WITH INTENT TO DISTRIBUTE 28 GRAMS OR MORE OF COCAINE BASE; 21:846 AND 841(a)(1)
01/25/2013	02:00PM	Motion Hearing	Courtroom 2 bf JUDGE TORRESEN	USA v. CONSTANT	2:12-cr-00065-NT	COUNT 1- POSSESSION OF A FIREARM BY A CONVICTED FELON, 18 U.S.C. 922(g)(1) and 924(a)(2).
01/25/2013	03:00PM	Motion Hearing	Hearing Room, Portland bf MAGISTRATE JUDGE RICH III	USA v. CORREIA	2:12-cr-00174-NT	POSSESSION OF A STOLEN FIREARM, 18:922(j)
01/28/2013	08:30AM	Jury Trial	Courtroom 1 bf JUDGE SINGAL	USA v. DIROSA	2:11-cr-00193- GZS	WIRE FRAUD, 18:1343

Paper Calendar Posted at Clerk's Office

December 19, 2012

Wednesday

9:00 AM - 2:00 PM

SUPPRESSION HEARING, USA v. PAUL ARNOTT & CLIFFORD WELCH, CRIMINAL NO. 2:12-cr-68-DBH -- Courtroom #2; Melody Whitten, Courtroom Deputy

AUSA: DAVID B. JOYCE

DFT ARNOTT: PETER J. CYR

DFT WELCH: JOSEPH L. GOODMAN

2:30 PM - 3:00 PM

PRESENTENCE CONFERENCE, USA v. JOSE ORTIZ, CRIMINAL NO. 2:11-cr-230-DBH -- Melody Whiteen, Courtroom Deputy

AUSA: CRAIG M. WOLFF

DFT: WILLIAM MASELLI

3:00 PM - 3:30 PM

PRESENTENCE CONFERENCE, USA v. JEFFREY FOSS, CRIMINAL NO. 2:12-cr-133-DBH -- Melody Whitten, Courtroom Deputy

AUSA: WILLIAM E. MORSE

DFT: DAVID R. BENEMAN

3:30 PM - 4:30 PM

SENTENCING, USA v. PETER A. BRICHETTO, CRIMINAL NO. 2:12-cr-10-DBH-002 -- Courtroom #2; Melody Whitten, Courtroom Deputy

AUSA: DAVID B. JOYCE

DFT: JEFFREY W. LANGHOLTZ

Calendars are posted weekly and are not updated on a daily basis.

Courtroom Calendars available via PACER

ECF

[Query](#)

Reports ▼

[Utilities](#) ▼

[Logout](#)

Reports

[Docket Sheet](#)

Criminal Reports

[Criminal Cases](#)

Civil Reports

[Civil Cases](#)

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Civil and Criminal Reports

[Calendar Events](#) ←

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Courtroom Calendars available via PACER

MECF

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[Reports](#) ▾

[Utilities](#) ▾

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Calendar Events Report

Case number

Office
Portland (2)

Calendar events
Allocution Hearing
Arbitration Hearing

Nature of suit
110 (Insurance)

Set to

Both AM PM

Time AM PM

- Include docket text Include closed cases
 Display terminated parties

Sort by

Calendar from PACER

ECF

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[Utilities](#) ▾

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U.S. District Court

District of Maine

Calendar Events Set For 1/28/2013-1/28/2013

01/28/2013

08:30 AM

[1:11-cr-00205-JAW-1 USA v. TRINIDAD-ACOSTA et al](#)

Jury Trial Main Courtroom, Bangor

DONALD FEITH representing USA (Plaintiff)

STEPHEN C. SMITH representing MANUEL TRINIDAD-ACOSTA (Defendant)

- NOTICE OF HEARING as to MANUEL TRINIDAD-ACOSTA, ED COGSWELL: Jury Selection set for 1/24/2013 09:00 AM in Main Courtroom, Bangor before JUDGE JOHN A. WOODCOCK JR. with Jury Trial to commence immediately thereafter. Jury Trial to continue 1/25/2013 - 1/31/2013 8:30 AM in Main Courtroom, Bangor before JUDGE JOHN A. WOODCOCK JR.

[1:11-cr-00205-JAW-8 USA v. TRINIDAD-ACOSTA et al](#)

Jury Trial Main Courtroom, Bangor

DONALD FEITH representing USA (Plaintiff)

HUNTER J. TZOVARRAS representing ED COGSWELL (Defendant)

- NOTICE OF HEARING as to MANUEL TRINIDAD-ACOSTA, ED COGSWELL: Jury Selection set for 1/24/2013 09:00 AM in Main Courtroom, Bangor before JUDGE JOHN A. WOODCOCK JR. with Jury

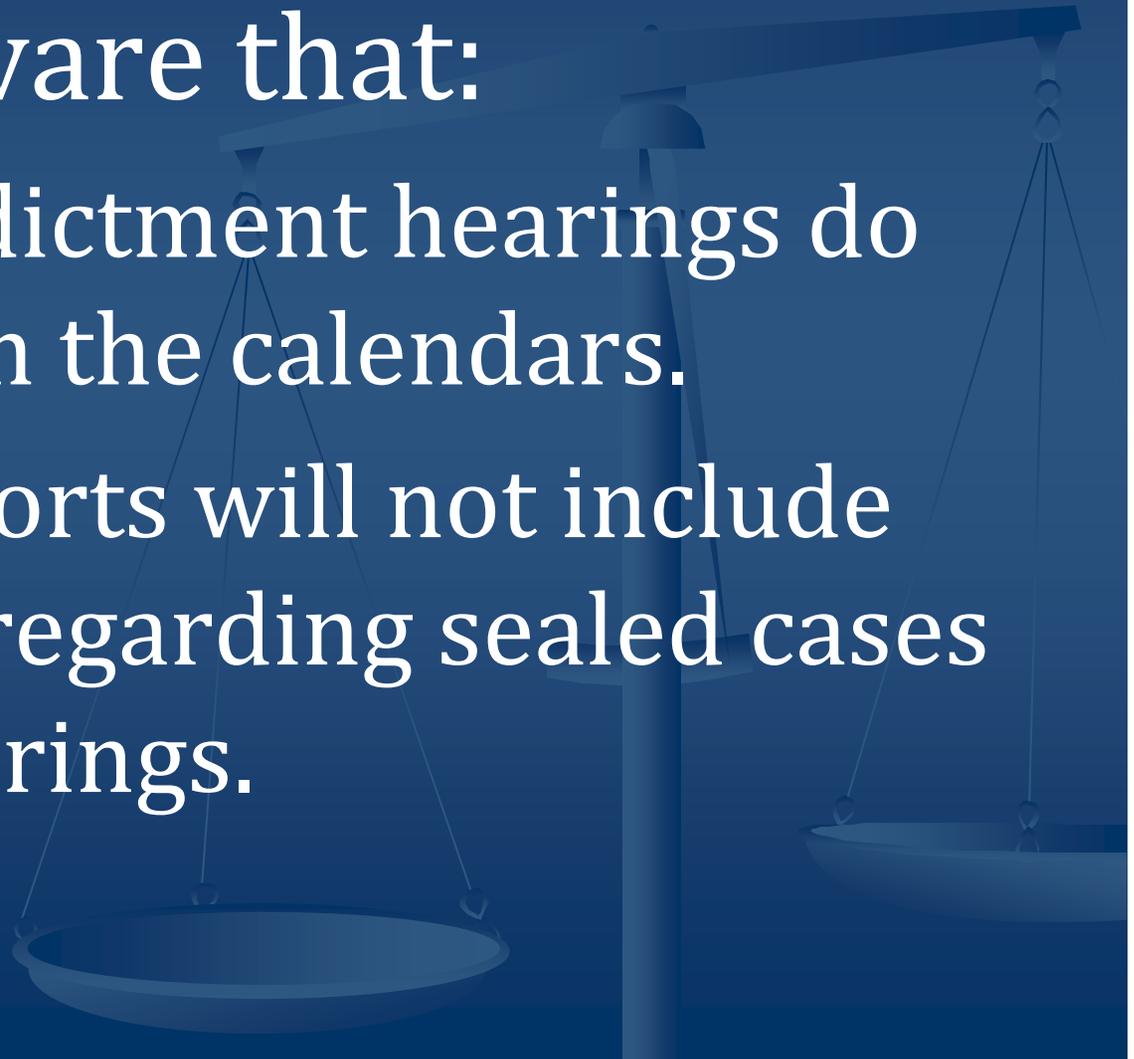
Courtroom Locations

- Courtrooms 1, 2, 3, and the Hearing Room are located in Portland.
 - The Main Courtroom and the Magistrate Courtroom are located in Bangor.
 - Other locations ;
 - Judge's Chambers
 - Visiting Judge's Chambers.
- 

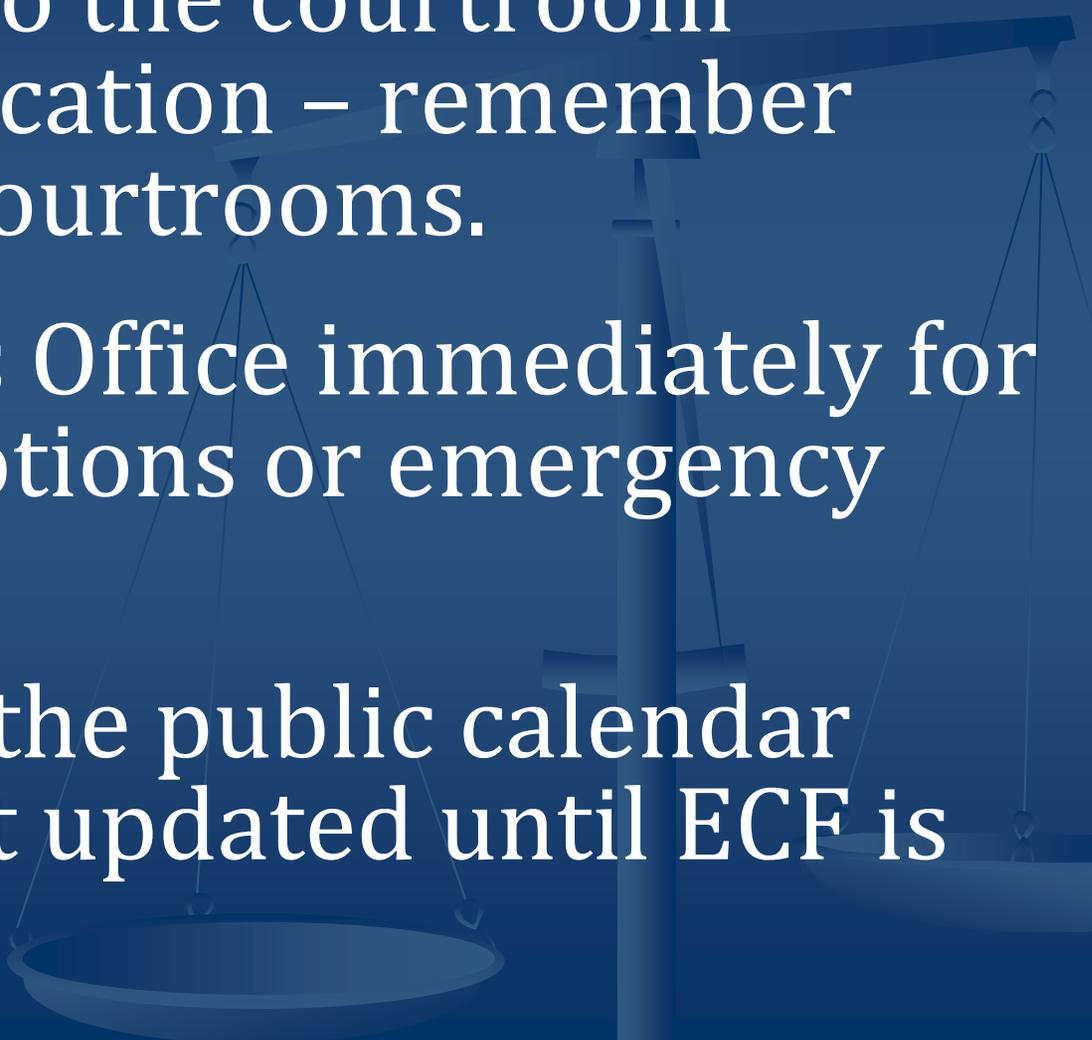
Courtroom Calendars

Please be aware that:

- Waiver of Indictment hearings do not appear on the calendars.
- Calendar reports will not include information regarding sealed cases or sealed hearings.



Courtroom Calendar Best Practices

- Pay attention to the courtroom number and location – remember Judges share courtrooms.
 - Call the Clerk's Office immediately for last minute motions or emergency matters.
 - Be aware that the public calendar reports are not updated until ECF is updated.
- 

Trial Lists

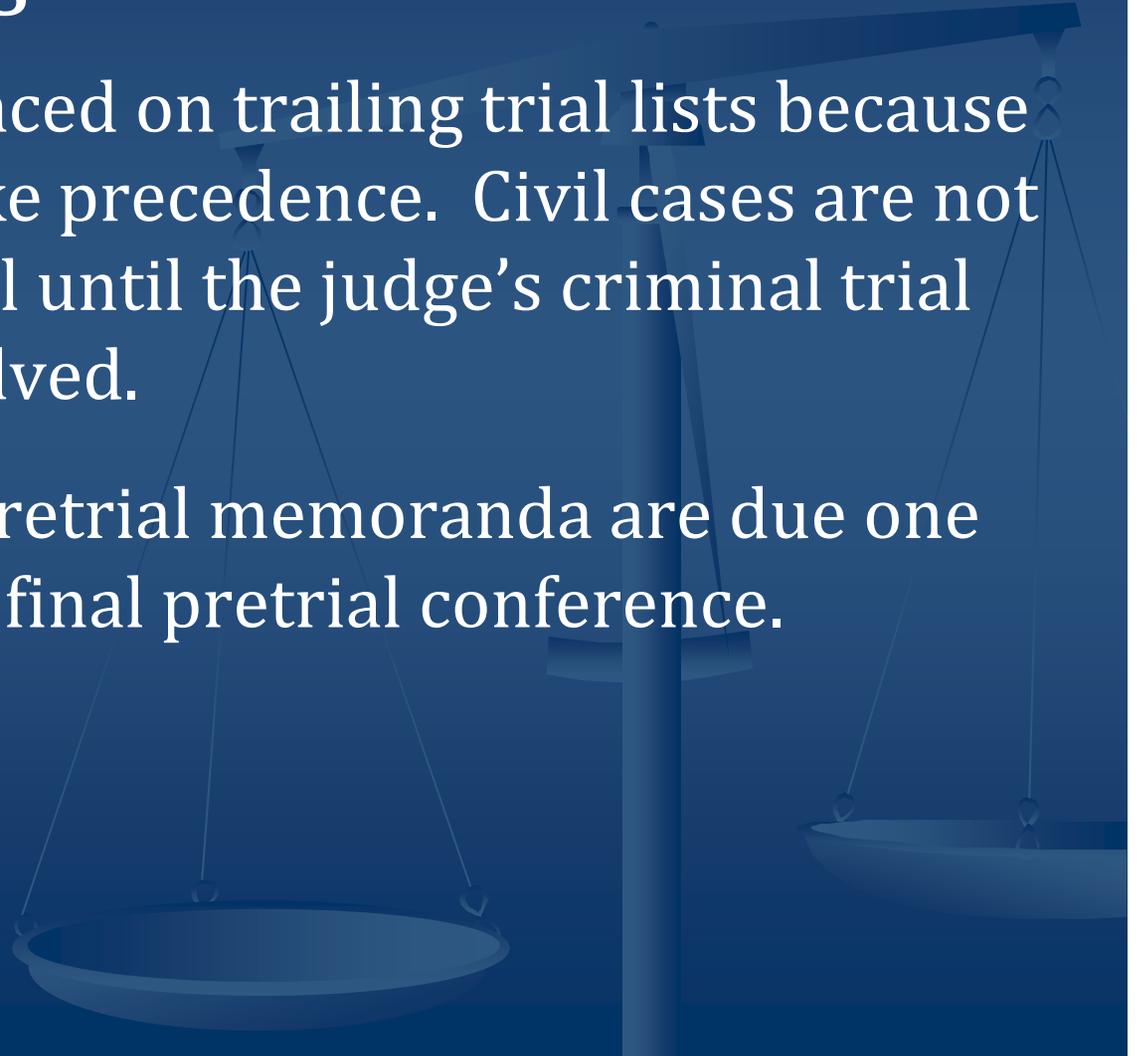
Criminal Trial Lists

- Cases are placed on criminal trial lists based on the deadline set in the Order in Respect to Discovery and the speedy trial clock.
- If a defendant intends to plead guilty, the guilty plea must be entered prior to jury selection.
- If a motion to continue is filed by one defendant in a multi-defendant case, all defendants receive the new jury selection date. The only exception is if the defendants are severed.

Trial Lists

Civil Trial Lists

- Civil Cases are placed on trailing trial lists because criminal cases take precedence. Civil cases are not scheduled for trial until the judge's criminal trial list has been resolved.
- Deadlines- final pretrial memoranda are due one week prior to the final pretrial conference.



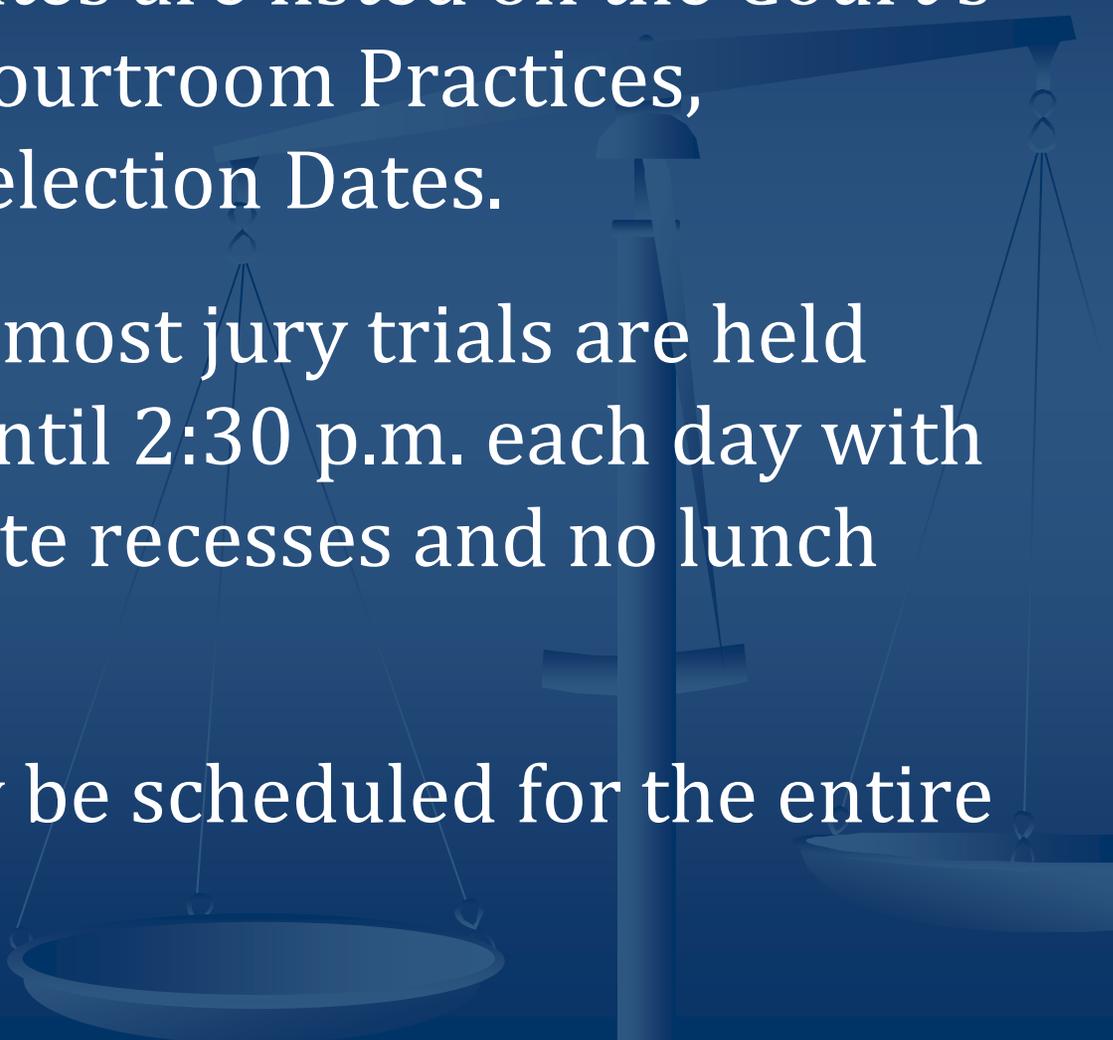
Trial Lists

Criminal and Civil Trial Lists

- When motions are pending, cases may either be removed or not added to a trial list at all until the motions are resolved. The Clerk's Office will make a docket entry such as the following:

11/28/2012	19	NOTICE as to MICKEY MOUSE- Please be advised that this case will not be placed on Judge Singal's January Trial List due to the pending Motion to Dismiss. If appropriate, this matter will be placed on the next available Trial List once the Motion to Dismiss is resolved. (lrc) (Entered: 11/28/2012)
12/20/2012	39	NOTICE as to DONALD DUCK- Please be advised that this case has been removed from Judge Singal's January Trial List due to the pending Motion to Suppress. This matter will be placed on a Trial List once the Motion to Suppress is resolved. (lrc) (Entered: 12/20/2012)

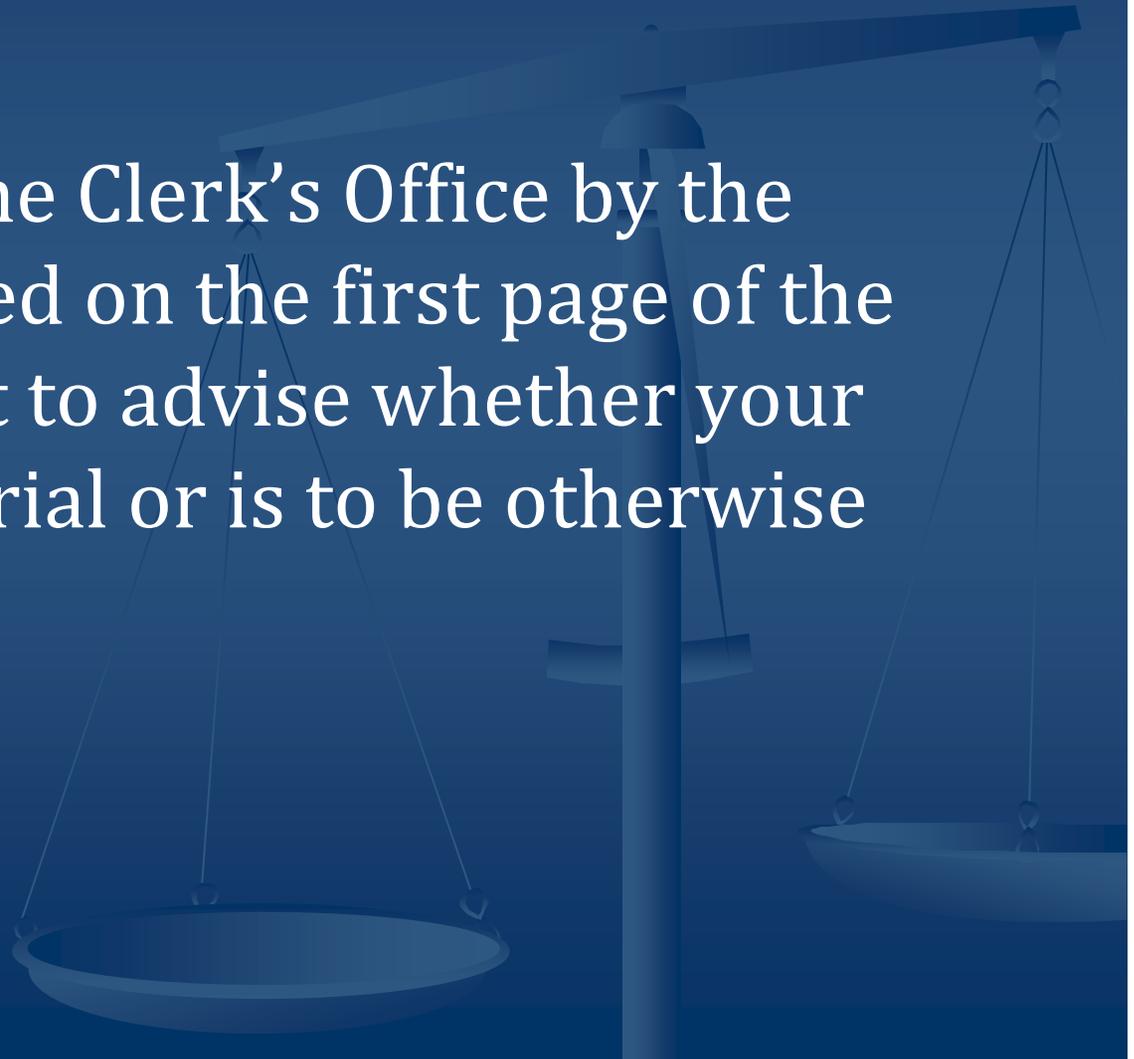
Trial Lists

- Jury Selection dates are listed on the Court's website under Courtroom Practices, Tentative Jury Selection Dates.
 - Trial Schedules- most jury trials are held from 8:30 a.m. until 2:30 p.m. each day with two fifteen minute recesses and no lunch recess.
 - Bench trials may be scheduled for the entire day.
- 

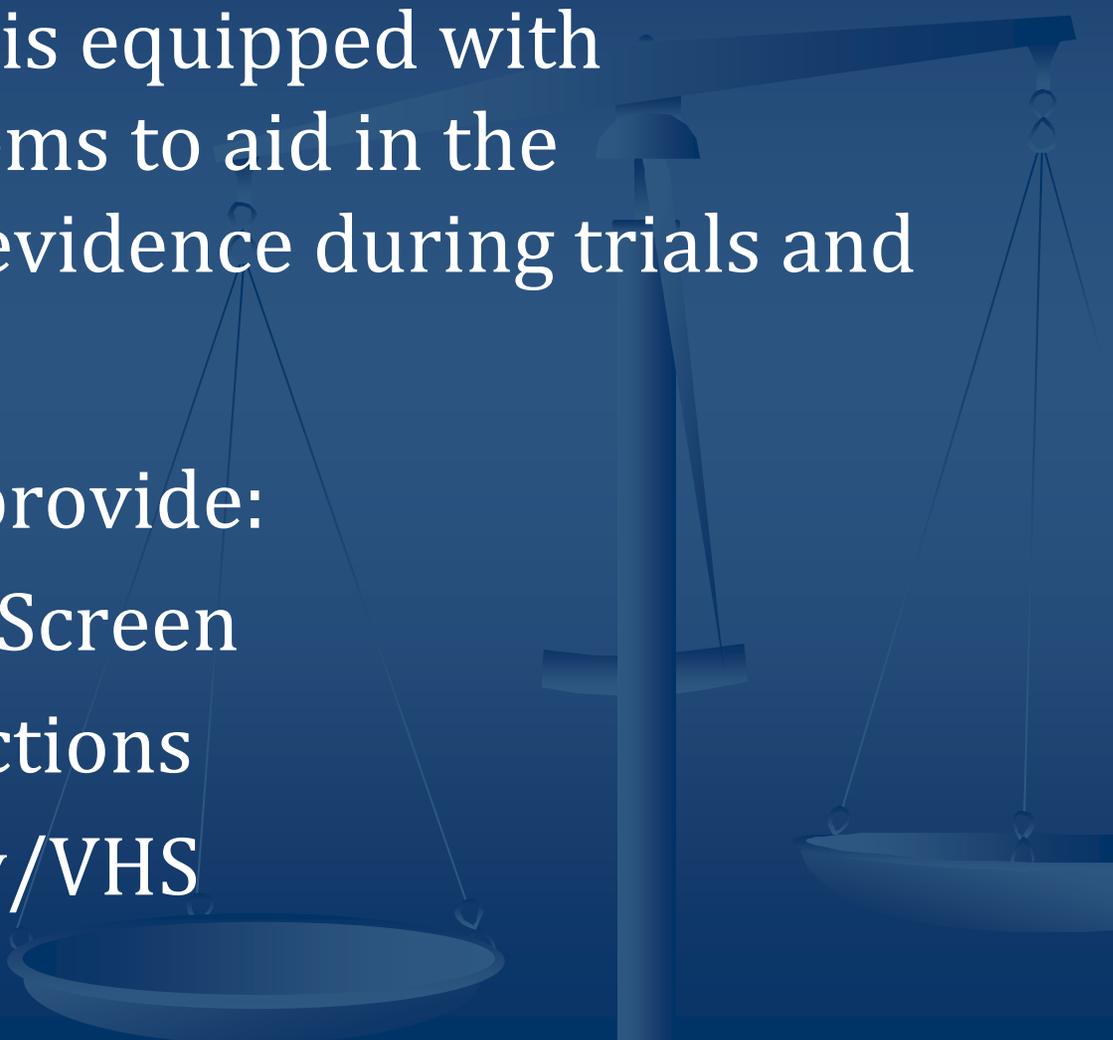
Trial List Best Practice

DEADLINES:

- Please contact the Clerk's Office by the deadline provided on the first page of the criminal trial list to advise whether your case is firm for trial or is to be otherwise resolved.



Courtroom Technology



- Each courtroom is equipped with technology systems to aid in the presentation of evidence during trials and other hearings.
- All courtrooms provide:
 - Projector and Screen
 - Laptop connections
 - DVD/Blue Ray/VHS

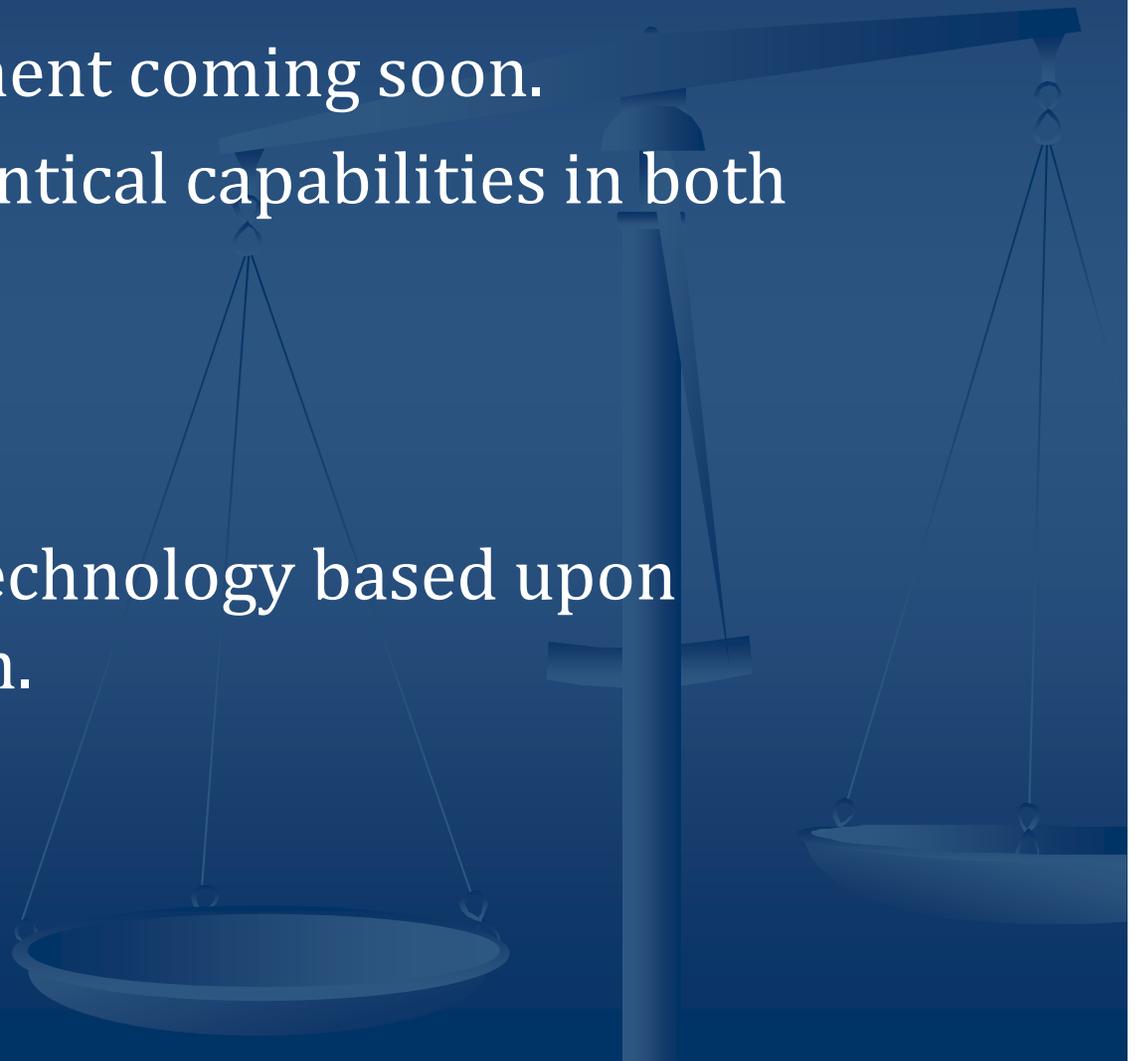
Courtroom Technology

Bangor:

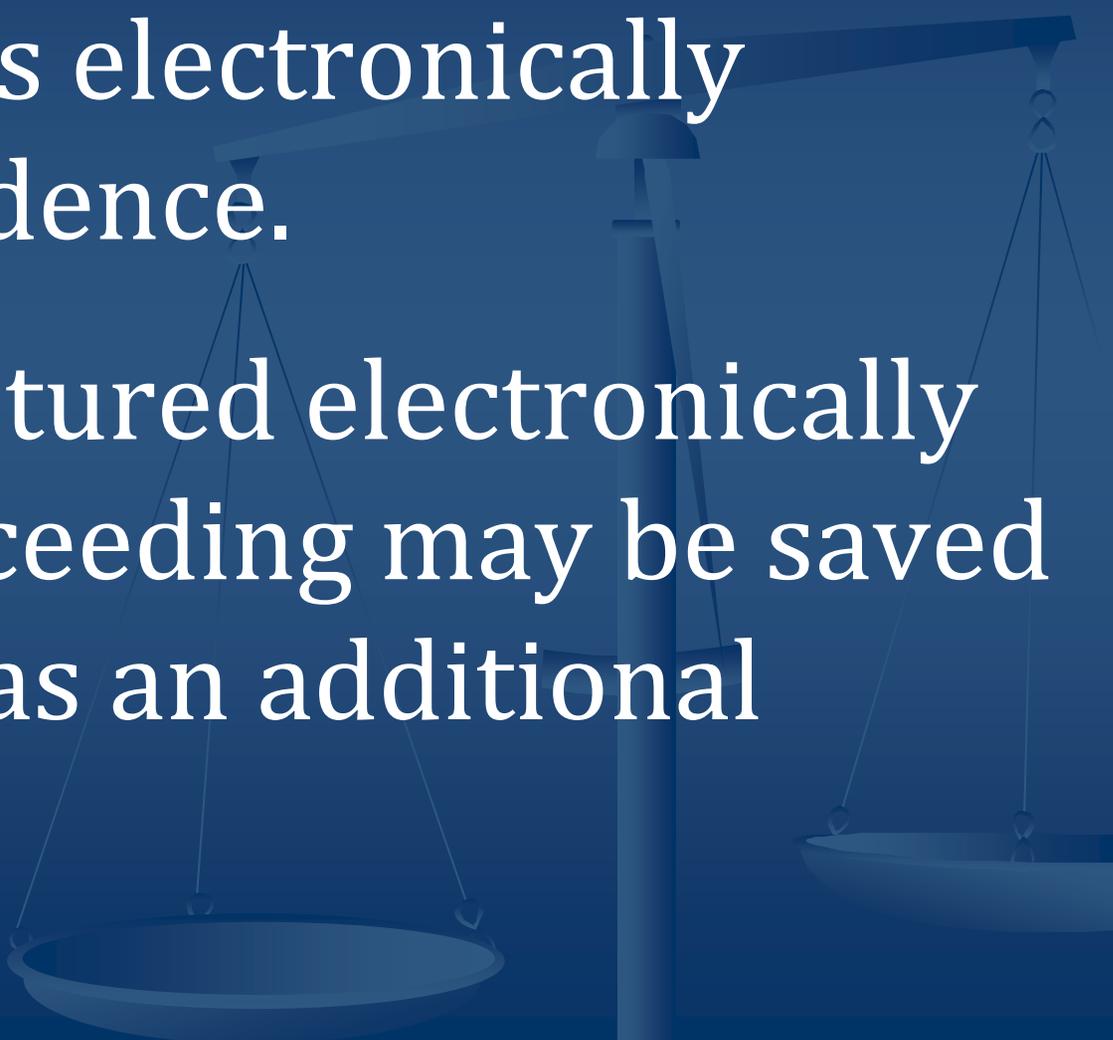
- Brand new equipment coming soon.
- When finished, identical capabilities in both courtrooms.

Portland:

- Varying levels of technology based upon courtroom location.



Courtroom Technology

- Annotation as electronically captured evidence.
 - Evidence captured electronically during a proceeding may be saved and marked as an additional exhibit.
- 
- A faint, stylized illustration of a balance scale is visible in the background, centered behind the text. The scale has two pans hanging from a horizontal beam, and a central vertical pillar. The background is a solid dark blue color.

Courtroom Technology Electronic Exhibits

Two basic types:

- Prepared and captured.
- Prepared electronic exhibits must be tested with courtroom technology and, where appropriate, with jury room technology (jury laptop).

Courtroom Technology



Reserving the equipment:

- Bangor - contact Don Marshall
- Portland – contact Robert Guptill
- **THE EARLIER THE BETTER!**

Information to convey:

- Laptop
- Evidence vs. Demonstratives

Courtroom Technology Best Practices

- Reserve the equipment in advance.
- Copy all electronic exhibits to CD/DVD.
- Test prepared exhibits on both courtroom and jury room technology.
- Get training - Practice makes perfect!

Realtime Demonstration



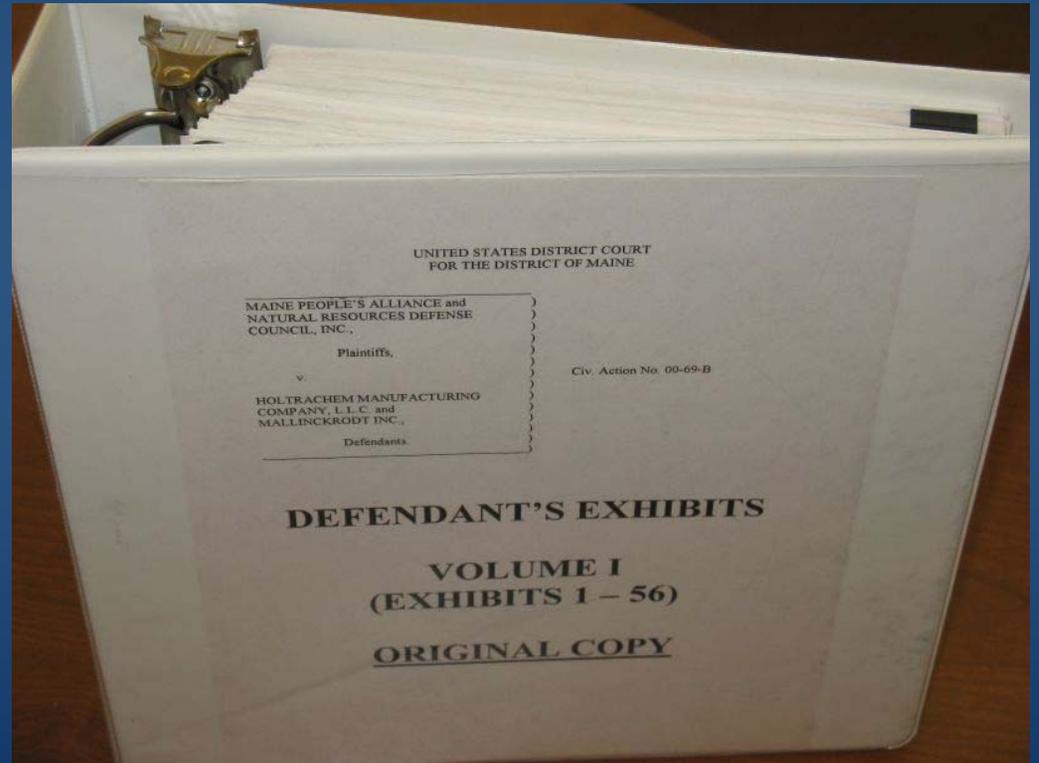
Realtime Best Practices

- Contact the Clerk's Office to find out who the court reporter will be.
- Contact the reporter with as much advance notice possible. The court reporter will need to know how many feeds are requested and will require a list of names and specialized terminology that will be used during the proceeding.
- Make arrangements to meet with the court reporter to test all equipment that will be used.

Trial Exhibits

Display Systems that work

- Binders – better for smaller sets of exhibits. Exhibits can be easily reviewed without being removed from the binder.



Trial Exhibits



Trial Exhibits

- Banker boxes with labeled folders – better for larger sets of exhibits or if exhibits are in a variety of formats (i.e., maps, CDs, etc.)



Trial Exhibits



Trial Exhibits

Exhibit Lists

- Provide an up-to-date exhibit list to the case manager in MS Word[©] format.
- Provide accurate descriptions of the exhibits.
- Word versions of exhibit lists can be emailed to newcases.portland@med.uscourts.gov or newcases.bangor@med.uscourts.gov

Trial Exhibits

Numbering and lettering

- The simpler the better. It is often better to use 1,2,3,4 as opposed to 1,1A,1B,1C.
- Exception:
 - if you are going to admit a multi-page contract as Exhibit 1, and then during the proceeding you create a marked-up version of one page of the contract, the better practice is to have that one page marked as Exhibit 1A – not Exhibit 99.

Trial Exhibits

- Add case number and defendant number to sticker
- Put sticker on exhibit not sleeve or folder



Trial Exhibits

Juror Confusion

- Trials with numerous documents.
 - Highlight or use post-it note to mark section of exhibit, or
 - Mark the selected page(s) as a standalone exhibit.
- By numbering and capturing your mark ups, along with successful use of our courtroom technology, you can reduce juror confusion.

Trial Exhibits

Put a Sticker on It

- If you mention or refer to an exhibit (even if only during opening or closing), the best practice is to put a sticker and number on the exhibit.

Deposition Excerpts

- Deposition excerpts will not be transcribed by the court reporter during trial. The best practice is to make sure any video excerpt played is submitted on a DVD. Deposition excerpts read/played in court should be clearly marked and made part of the record.

Trial Exhibits

The exhibit list form is found on the Court's website, in the forms directory.

Text Size: - A +

 UNITED STATES DISTRICT COURT
District of Maine
Honorable John A. Woodcock Jr., Chief Judge
Christa K. Berry, Clerk

Search this site GO

Attorney Admissions	Court Information	Courtroom Practices	Education & Community	Electronic Case Files	Interpreting	Juror Information	Operations & Filing	Rules & Opinions
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[E-Filing \(CM/ECF\) »](#)
[Court Calendar »](#)
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Welcome

Welcome to the official website for the United States District Court for the District of Maine. We have offices in Portland and Bangor.

[Hours and directions »](#)



[Court Locations](#)
Portland

[News & Announcements](#)
Fri, 01/04/2013

 [Forms](#)

Trial Exhibits

Demonstrative Aids

- Demonstrative aids, such as posters, used during trial do NOT go to the jury during deliberations.
- To preserve demonstrative aids for the purpose of appeal, provide a shrunken version marked as a mentioned exhibit.

Trial Exhibits

Courtesy Copies

- Courtesy copies for the Judge and law clerk are always appreciated as the case manager retains custody of the original exhibits.

Referring to Exhibits During Trial

- While in Court, use exhibit numbers not Bates stamp or deposition numbers.

Trial Exhibits

Storage of Exhibits During Trial

- We must take possession of all mentioned and admitted exhibits at the end of each trial day.
- Exception- contraband such as firearms and drugs or any currency. A receipt for these types of exhibits will be prepared and maintained by the case manager.

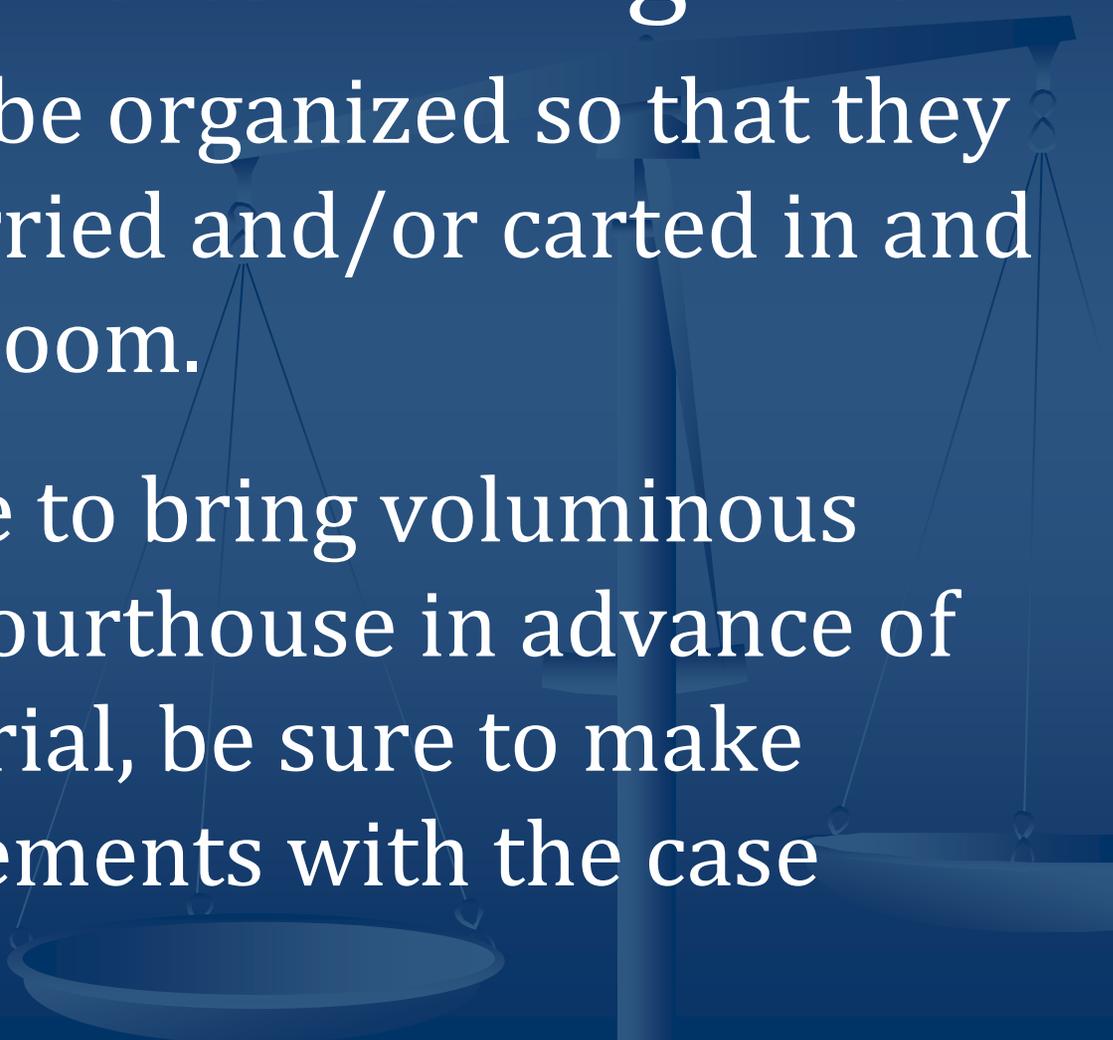
Trial Exhibits

Storage of Exhibits

- After trial the case manager will prepare a receipt and return to counsel any bulk or non-documentary exhibits in accordance with Local Rule 123(f)(2). Counsel are then responsible to keep the exhibits in the form in which they were offered until the expiration of any appeal. The Clerk's Office maintains all mentioned and admitted exhibits.

Trial Exhibits

Storage of Exhibits During Trial

- Exhibits should be organized so that they can be easily carried and/or carted in and out of the courtroom.
 - If you would like to bring voluminous exhibits to the courthouse in advance of the first day of trial, be sure to make advance arrangements with the case manager.
- 

Trial Exhibits

Accessibility to the Fact Finder

- For a bench trial the Clerk's Office will provide the official exhibits to the Judge at the close of the hearing.
- For a jury trial admitted exhibits are sent to the jury room once deliberations begin. Remember organization equals speed.

Trial Exhibits

Best Practices

- Provide the case manager with an up-to-date exhibit list in MS Word[©] format via email.
- Organize your exhibits.
- While in Court, use exhibit numbers not Bates stamp or deposition numbers.
- When numbering exhibits remember simpler is better!
- Plan to stay after trial each day to confer with the case manager on the master exhibit list.
- When in doubt, “put a sticker on it.”

Transcripts

Ordering Transcripts

- Search CM/ECF for the court reporter's name.
 - Contact the reporter and provide name of case, date of hearing, your contact information and service requested.
 - If the proceeding was electronically recorded (FTR) contact the Clerk's Office for a transcript.
- 

Transcripts

CJA 24 AUTHORIZATION AND VOUCHER FOR PAYMENT OF TRANSCRIPT (Rev. 01/08)			
1. CIR./DIST./ DIV. CODE 01C	2. PERSON REPRESENTED John Doe		VOUCHER NUMBER
3. MAG. DKT./DEF. NUMBER	4. DIST. DKT./DEF. NUMBER 2:12-00000-GZS	5. APPEALS DKT./DEF. NUMBER 12-0000	6. OTHER DKT. NUMBER
7. IN CASE/MATTER OF (Case Name) U.S. v. John Doe	8. PAYMENT CATEGORY <input type="checkbox"/> Felony <input type="checkbox"/> Petty Offense <input type="checkbox"/> Misdemeanor <input type="checkbox"/> Other <input checked="" type="checkbox"/> Appeal	9. TYPE PERSON REPRESENTED <input type="checkbox"/> Adult Defendant <input checked="" type="checkbox"/> Appellant <input type="checkbox"/> Juvenile Defendant <input type="checkbox"/> Appellee <input type="checkbox"/> Other	10. REPRESENTATION TYPE (See Instructions) CC
11. OFFENSE(S) CHARGED (Cite U.S. Code, Title & Section) <i>If more than one offense, list (up to five) major offenses charged, according to severity of offense.</i> 21 USC 841			
REQUEST AND AUTHORIZATION FOR TRANSCRIPT			
12. PROCEEDING IN WHICH TRANSCRIPT IS TO BE USED (Describe briefly) Appeal			
13. PROCEEDING TO BE TRANSCRIBED (Describe specifically). NOTE: The trial transcripts are not to include prosecution opening statement, defense opening statement, prosecution argument, defense argument, prosecution rebuttal, voir dire or jury instructions, unless specifically authorized by the Court (see Item 14). Trial, 1/2/12-1/4/12			
14. SPECIAL AUTHORIZATIONS			JUDGE'S INITIALS
A. Apportioned Cost _____ % of transcript with (Give case name and defendant)			
B. <input type="checkbox"/> 14-Day <input type="checkbox"/> Expedited <input type="checkbox"/> Daily <input type="checkbox"/> Hourly <input type="checkbox"/> Realtime Unedited			
C. <input checked="" type="checkbox"/> Prosecution Opening Statement <input checked="" type="checkbox"/> Prosecution Argument <input checked="" type="checkbox"/> Prosecution Rebuttal <input checked="" type="checkbox"/> Defense Opening Statement <input checked="" type="checkbox"/> Defense Argument <input type="checkbox"/> Voir Dire <input type="checkbox"/> Jury Instructions			
D. In this multi-defendant case, commercial duplication of transcripts will impede the delivery of accelerated transcript services to persons proceeding under the Criminal Justice Act.			
15. ATTORNEY'S STATEMENT		16. COURT ORDER	
As the attorney for the person represented who is managed above, I hereby affirm that the transcript requested is necessary for adequate representation. I, therefore, request authorization to obtain the transcript services at the expense of the United States pursuant to the Criminal Justice Act.		Financial eligibility of the person represented having been established to the Court's satisfaction the authorization requested in Item 15 is hereby granted.	
_____ /s/ Jane Smith Signature of Attorney		_____ Signature of Presiding Judge or By Order of the Court	
_____ Jane Smith Printed Name		_____ Date of Order	
_____ Telephone Number:		_____ Nunc Pro Tunc Date	
<input checked="" type="checkbox"/> Panel Attorney <input type="checkbox"/> Retained Attorney <input type="checkbox"/> Pro-Se <input type="checkbox"/> Legal Organization			



Transcripts – Claim For Services

CLAIM FOR SERVICES						
17. COURT REPORTER/TRANSCRIBER STATUS <input type="checkbox"/> Official <input type="checkbox"/> Contract <input type="checkbox"/> Transcriber <input type="checkbox"/> Other			18. PAYEE'S NAME AND MAILING ADDRESS Telephone Number: _____			
19. SOCIAL SECURITY NUMBER OR EMPLOYER ID NUMBER OF PAYEE _____						
20. TRANSCRIPT	INCLUDE PAGE NUMBERS	NO. OF PAGES	RATE PER PAGE	SUB-TOTAL	LESS AMOUNT APPORTIONED	TOTAL
Original						
Copy						
Expense (<i>Itemize</i>)						
TOTAL AMOUNT CLAIMED:						
21. CLAIMANT'S CERTIFICATION OF SERVICE PROVIDED I hereby certify that the above claim is for services rendered and is correct, and that I have not sought or received payment (<i>compensation or anything of value</i>) from any other source for these services. Signature of Claimant/Payee _____ Date _____						
ATTORNEY CERTIFICATION						
22. CERTIFICATION OF ATTORNEY OR CLERK. I hereby certify that the services were rendered and that the transcript was received. _____ Signature of Attorney or Clerk _____ Date _____						
APPROVED FOR PAYMENT — COURT USE ONLY						
23. APPROVED FOR PAYMENT _____ Signature of Judge or Clerk of Court _____					24. AMOUNT APPROVED _____ Date _____	

Transcripts

Redactions

- Redaction requests are to remove personal identifiers.



Transcripts

1

1 Q. State your name and address for the record.
2 A. John Jones, 555 Main Street, Portland, Maine.
3 Q. When were you born?
4 A. January 1, 1960.
5 Q. What is your Social Security number?
6 A. 000-00-1234.
7 Q. What is your checking account number?
8 A. 123456789.
9 Q. Who are your children?
10 A. Robert, James, and Mary.
11

Unredacted Transcript

Transcripts

Redactions

- File a Notice of Intent to Redact on CM/ECF followed by a Redaction Request to the reporter.
- Redactions requested beyond personal identifiers should be made to the Court.
- Court reporters will redact information letter by letter to maintain the transcript's original page and line format.

Transcripts

12

13 Q. State your name and address for the record?

14 A. John Jones, XXX XXXX XXXXXX, Portland, Maine.

15 Q. When were you born?

16 A. XXXXXXXX X, 1960.

17 Q. What is your Social Security number?

18 A. XXX-XX-1234.

19 Q. What is your checking account number?

20 A. XXXXX6789.

21 Q. Who are your children?

22 A. RXXXXX, JXXXX, and MXXX.

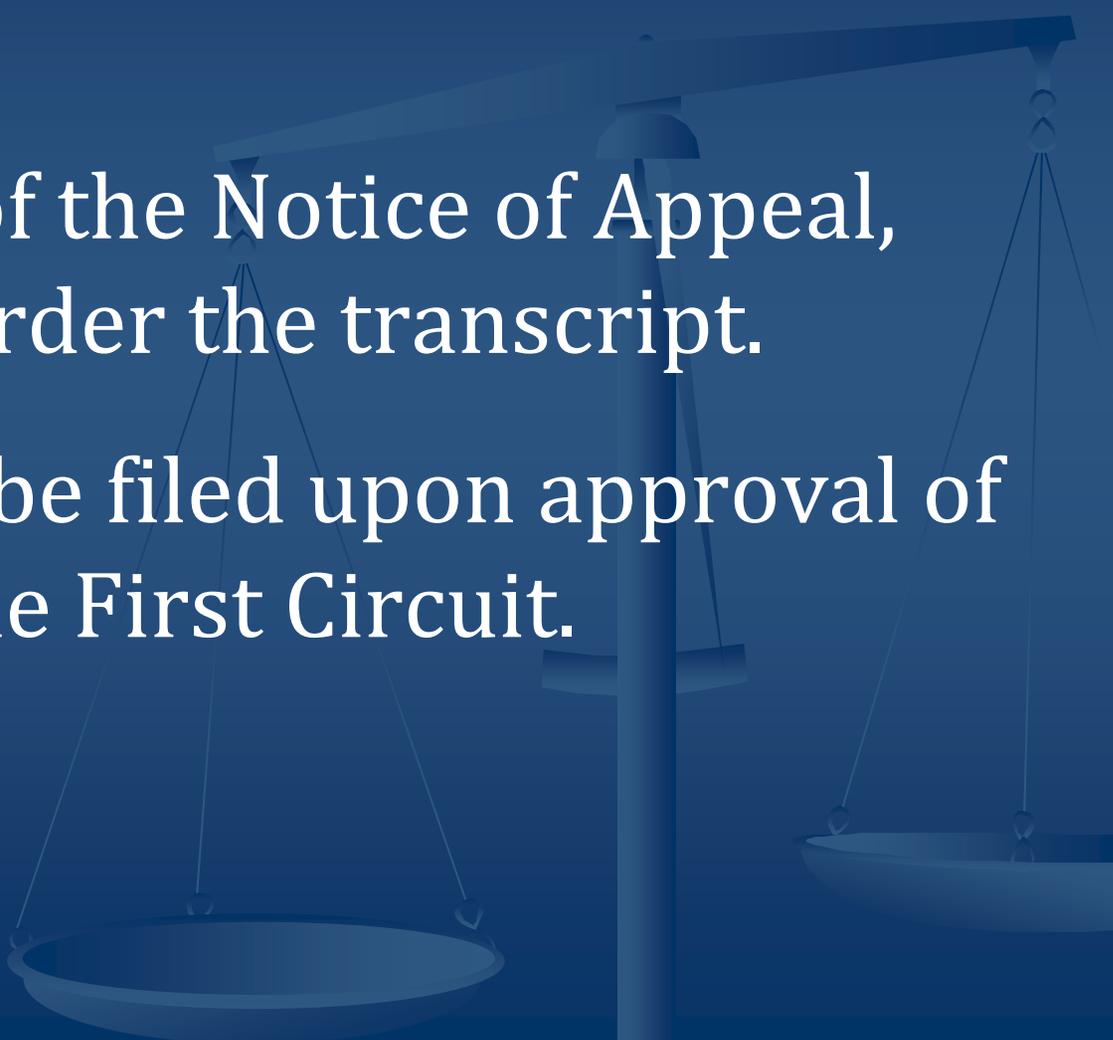
23

24

25

Redacted Transcript

Transcripts



Appeals

- Within 14 days of the Notice of Appeal, appellant shall order the transcript.
- Transcripts will be filed upon approval of the Clerk or of the First Circuit.

Transcript Best Practices

- Avoid using personal identifiers on the record.
- Check the docket for the reporter's name.
- Notify the reporter if you would like the transcript in format other than PDF.
- CJA-24 form, fill out to box 15. The reporter will complete the Claim for Services Section.
- Deposition and video excerpts are not captured and should be marked and offered as exhibits.

Attorney Best Practices Seminar

Filing Best Practices



UNITED STATES DISTRICT COURT
DISTRICT OF MAINE

Related Cases



Civil Cover Sheet JS44

VII. REQUESTED IN
COMPLAINT:

CHECK IF THIS IS A CLASS ACTION
UNDER F.R.C.P. 23

DEMAND \$

CHECK YES only if dem
JURY DEMAND:

VIII. RELATED CASE(S)
IF ANY

(See instructions):

JUDGE

DOCKET NUMBER

DATE

SIGNATURE OF ATTORNEY OF RECORD



Related Cases

AYOTTE v. BARNHART et al

Assigned to: JUDGE JOHN A. WOODCOCK, JR

Referred to: MAGISTRATE JUDGE MARGARET J. KRAVCHUK

related Cases: [1:11-cv-00332-JAW](#)

[1:12-cv-00016-JAW](#)

Cause: 42:1983 Prisoner Civil Rights



A faint, stylized image of a balance scale is visible in the background, centered behind the text. The scale has two pans hanging from a horizontal beam, and a vertical post supports the beam. The entire scene is set against a dark blue gradient background.

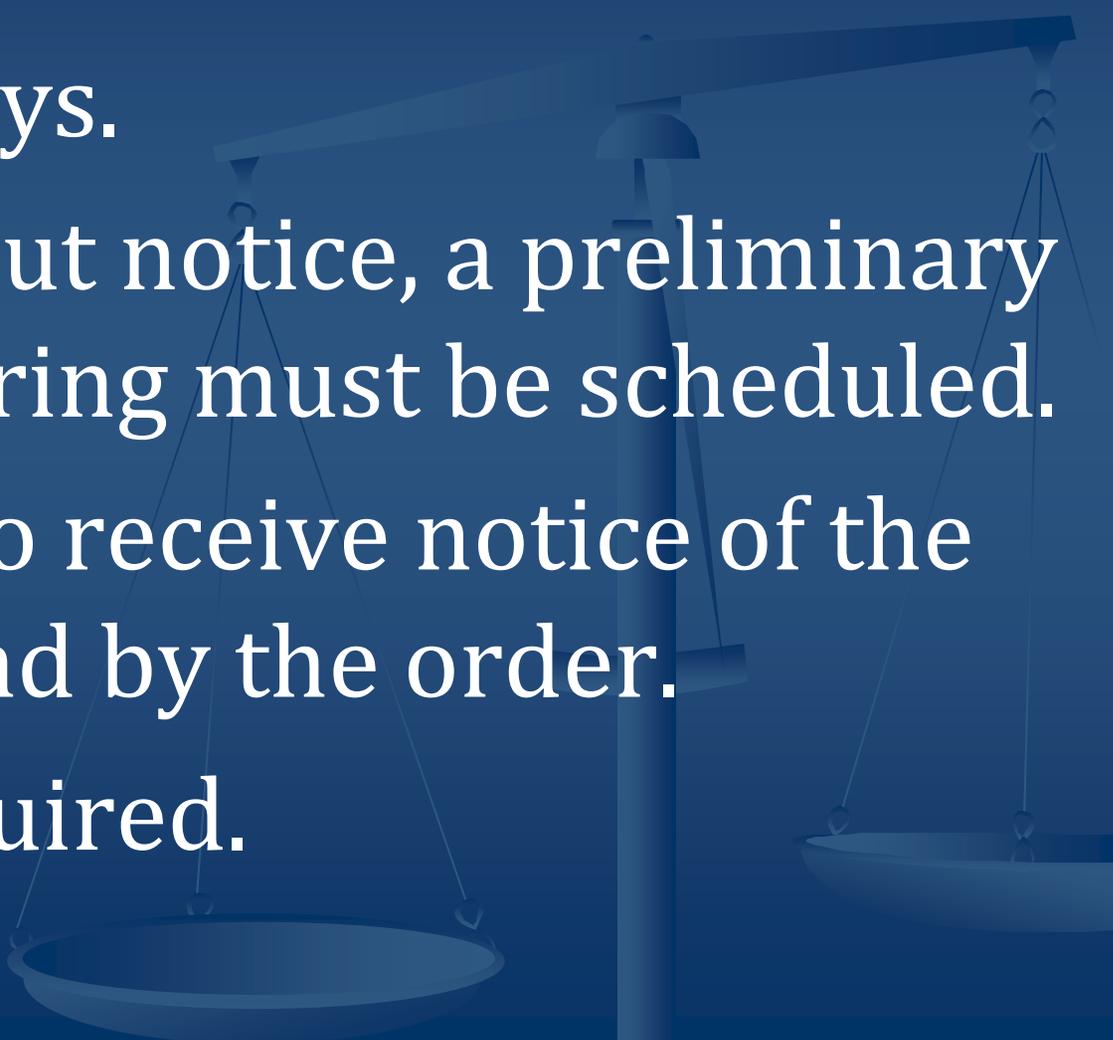
Motions for
Temporary Restraining
Order
and
Preliminary Injunction

Motion for Temporary Restraining Order

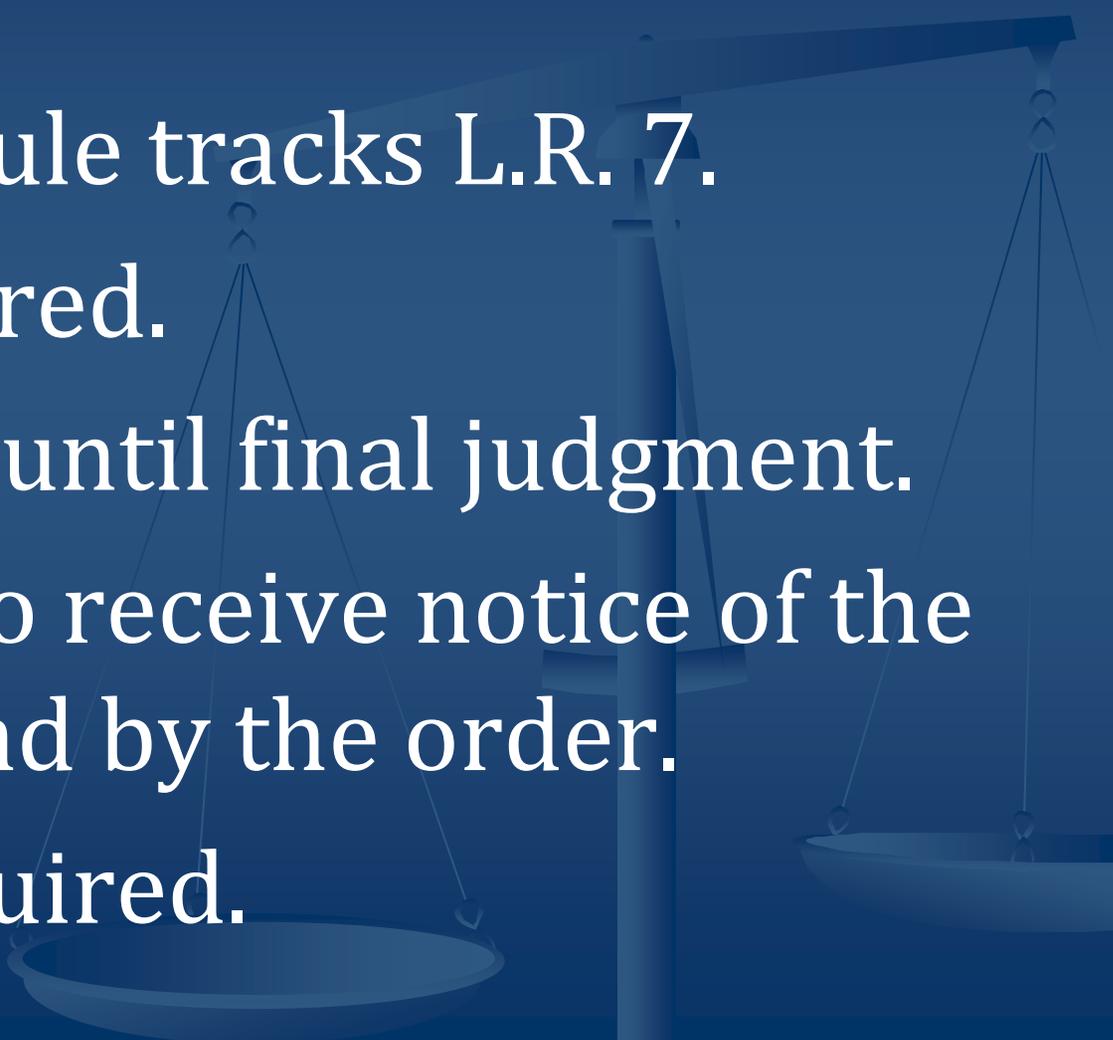
- Can be issued without notice if:
 - Affidavit or Verified Complaint shows immediate irreparable harm; and
 - Attorney certifies in writing of efforts to notify the other side and why notice is not required

Fed. R. Civ. P. 65(b)(1)

Motion for Temporary Restraining Order

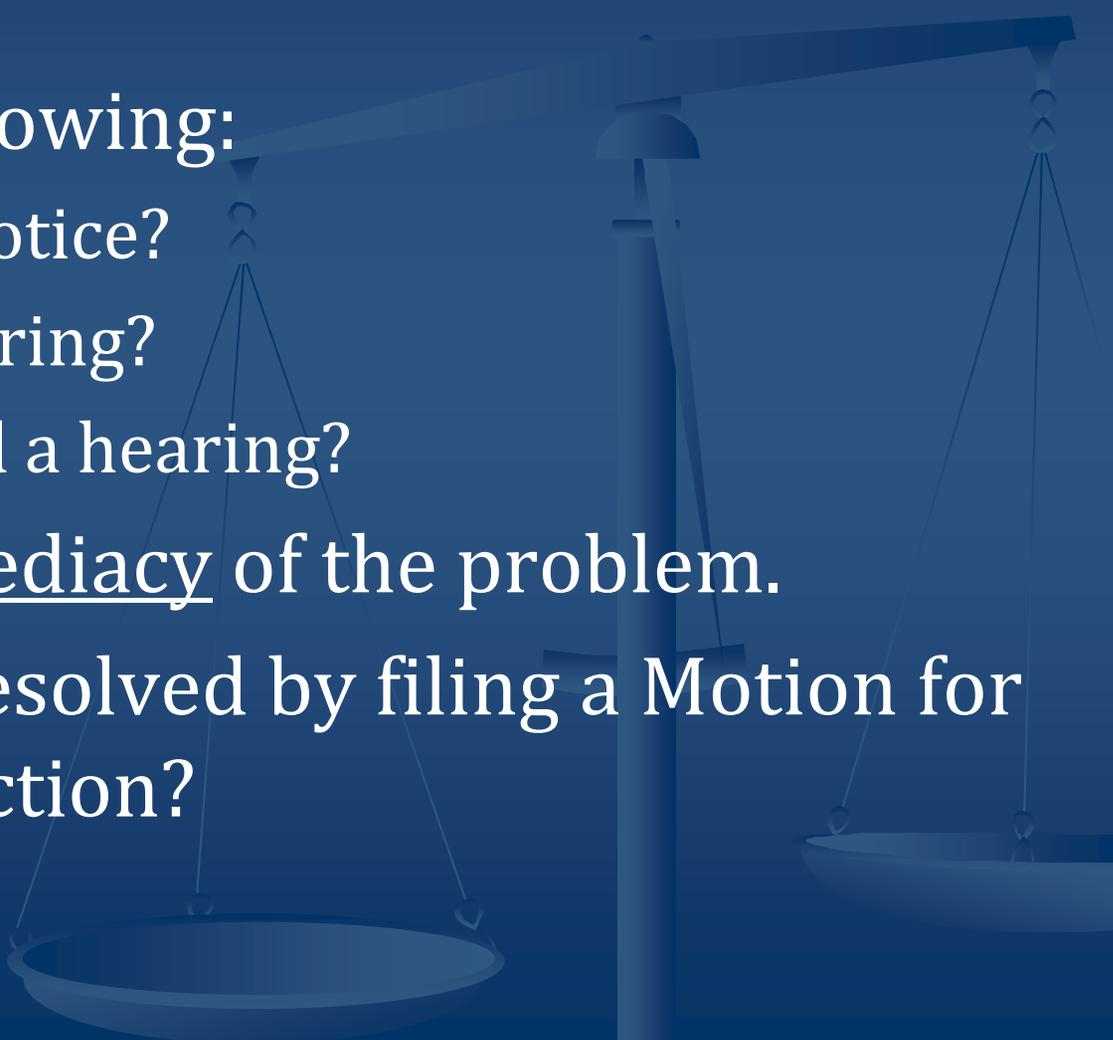
- Valid for 14 days.
 - If issued without notice, a preliminary injunction hearing must be scheduled.
 - Only those who receive notice of the order are bound by the order.
 - Security is required.
- 

Motion for Preliminary Injunction

A faint, stylized image of a pair of scales of justice is visible in the background, centered behind the text. The scales are dark blue and appear to be slightly out of focus, serving as a decorative element.

- Briefing schedule tracks L.R. 7.
- Notice is required.
- Order in place until final judgment.
- Only those who receive notice of the order are bound by the order.
- Security is required.

TRO & PI Best Practices

- TROs: Call the Clerk's Office before you file the motion.
 - Determine the following:
 - With or without notice?
 - Do you need a hearing?
 - When do you need a hearing?
 - Consider the immediacy of the problem.
 - Can the issue be resolved by filing a Motion for Preliminary Injunction?
- 

Exhibits

Exhibits offered at in-court hearings are NOT filed electronically in ECF and that practice was covered in the Courtroom Best Practices portions of this seminar.

This session covers best practices for filing pleadings, exhibits and attachments in ECF.

Attachments

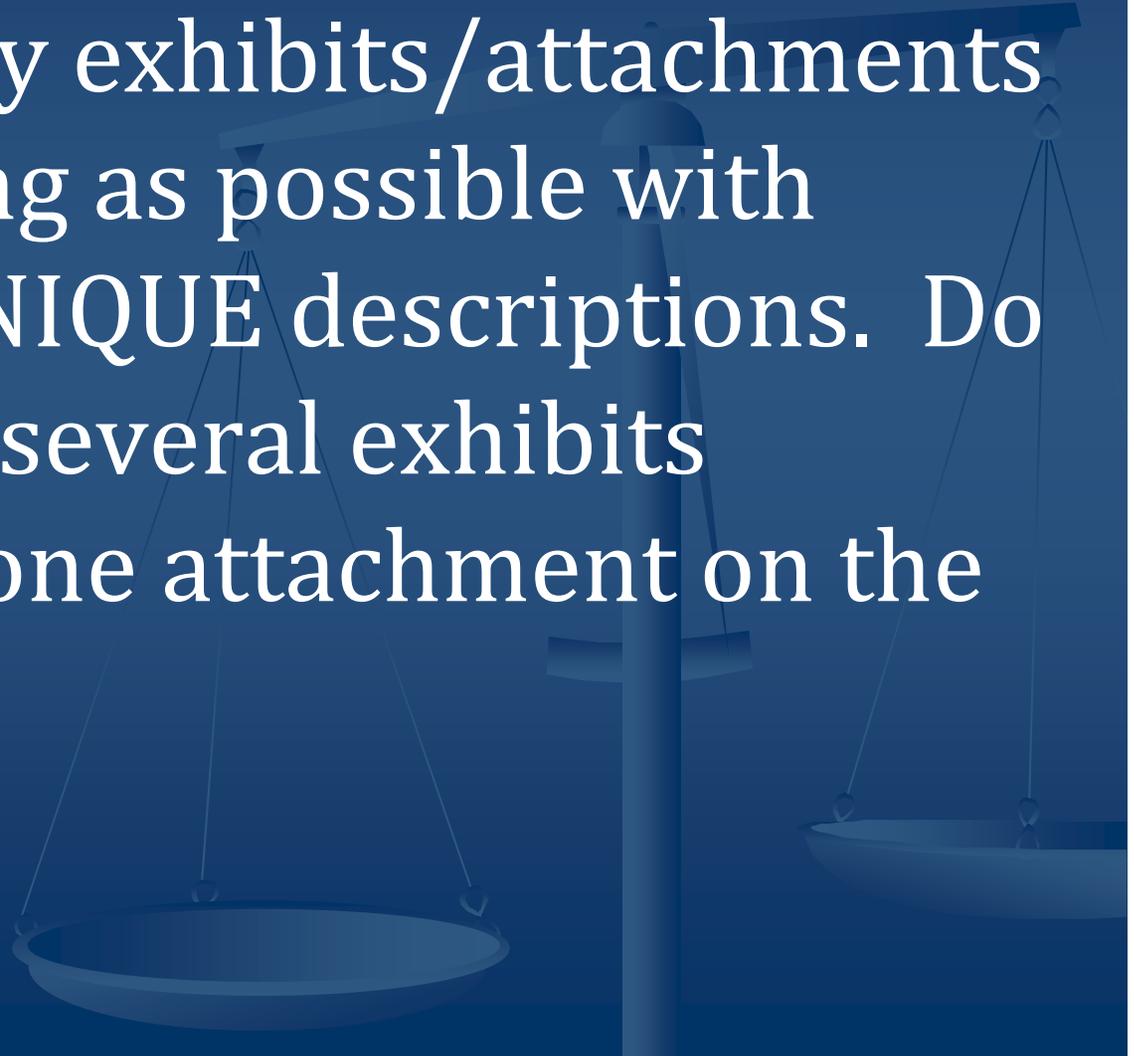
- All attachments to a main pleading and any exhibits (or attachments) to an attachment must be filed separately on the record.
- All attachments/exhibits that are separately numbered must be filed as separate attachments.
- A unique, concise description must be entered for EVERY attachment.

Attachments, cont'd

- All attachments related to the same “main document” should be attached to the main document if possible in logical order.
- Do NOT re-file anything already on file (Admin Order (j)(4)). Merely refer to it within document (Ex. See Smith Deposition, ECF No. 70-2).

ATTACHMENTS BEST PRACTICE

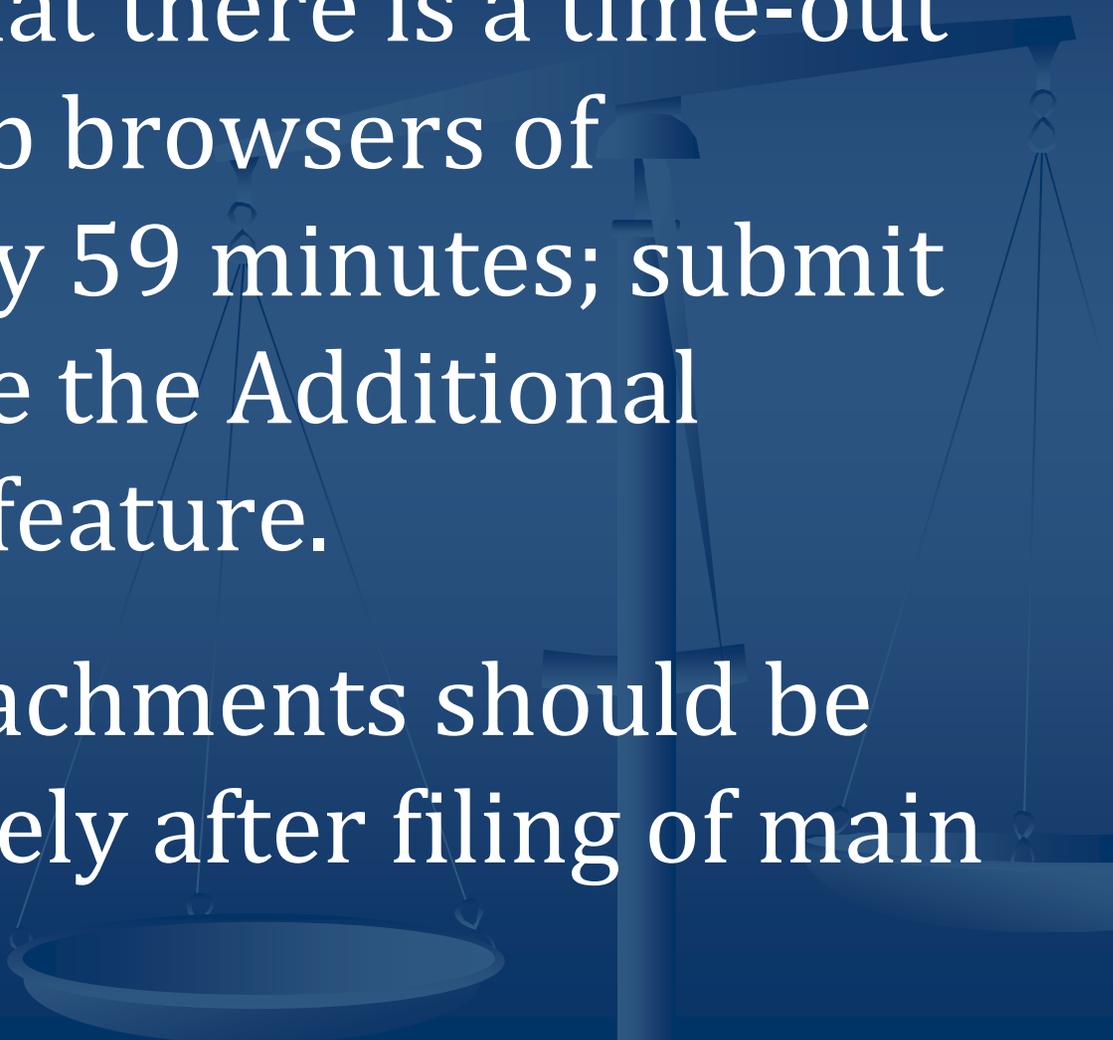
- Attach as many exhibits/attachments to a single filing as possible with helpful and UNIQUE descriptions. Do NOT combine several exhibits together into one attachment on the docket.



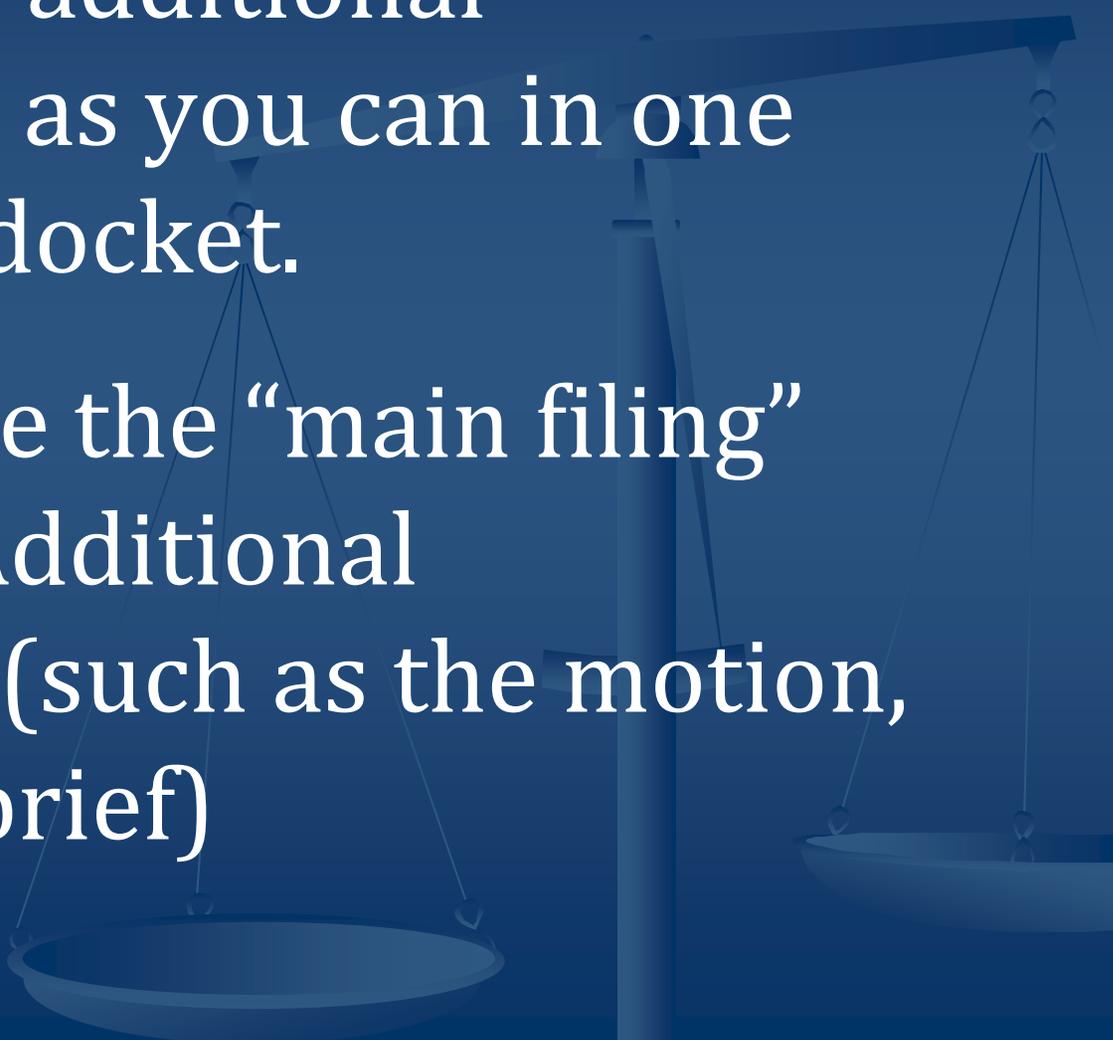
ATTACHMENT MAXIMUM

- 5 megabyte limit per attachment; if document is more than 5 meg, break the document up and name accordingly.
- 30 or fewer attachments **MUST** be filed on ECF.
- 31 or more may be filed in paper or on a cd with an index **BUT** electronic filing is **PREFERRED** whenever possible.

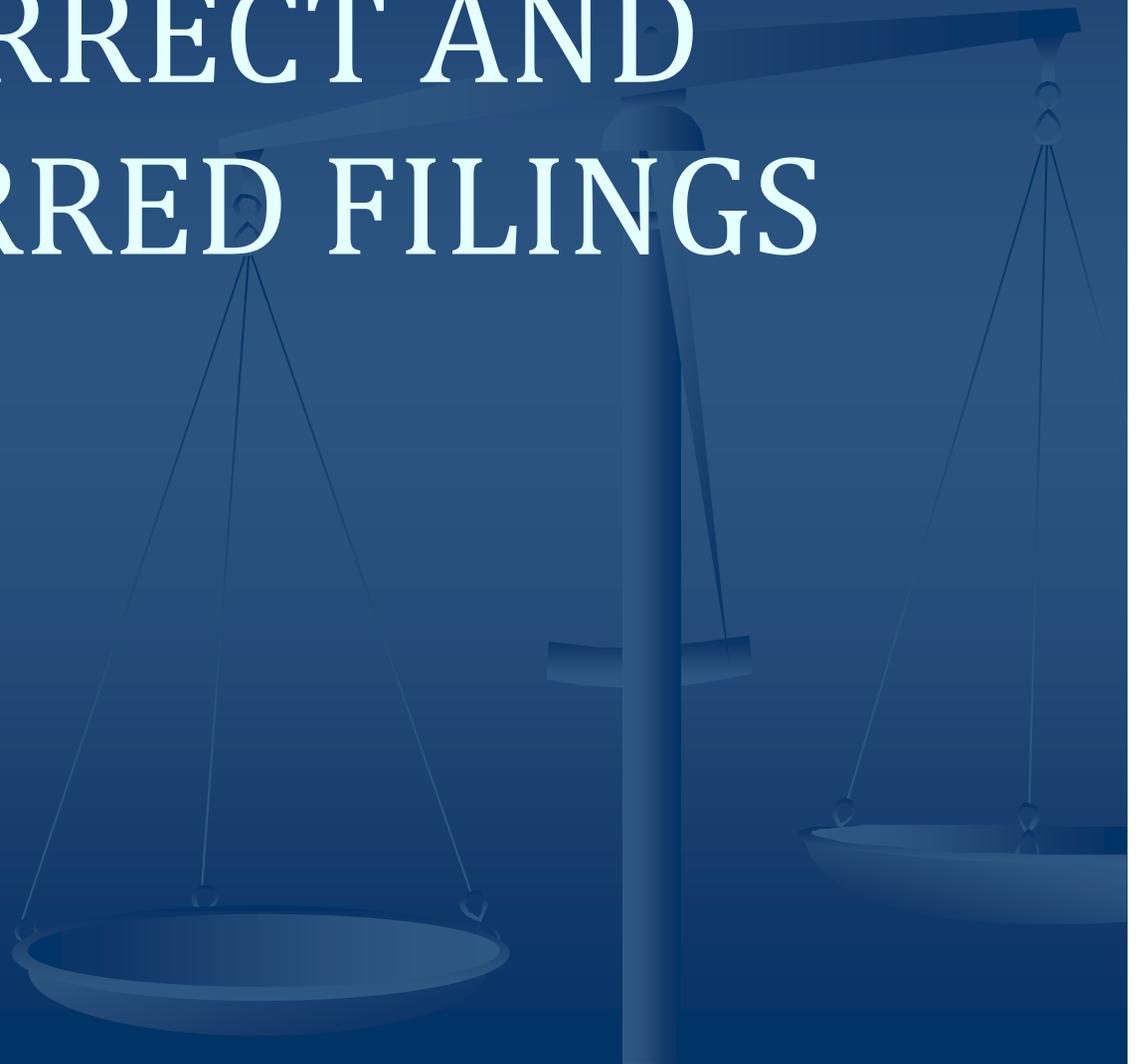
Additional Attachments

- BE AWARE that there is a time-out feature in web browsers of approximately 59 minutes; submit filings and use the Additional Attachments feature.
 - Additional Attachments should be filed immediately after filing of main document
- 

Additional Attachments, cont'd

- File as many “additional attachments” as you can in one entry on the docket.
 - Do NOT re-file the “main filing” when using Additional Attachments (such as the motion, response or brief)
- 

COMPARISONS OF INCORRECT AND PREFERRED FILINGS



INCORRECT: Descriptions too generic

01/11/2012

[74](#)

REPLY to Response to Motion re [69](#) MOTION to Amend filed by MICKEY MOUSE. (Attachments: # [1](#) Exhibit A, # [2](#) Exhibit B, # [3](#) Exhibit C, # [4](#) Exhibit D, # [5](#) Exhibit E, # [6](#) Exhibit F, # [7](#) Exhibit G, # [8](#) Exhibit H, # [9](#) Exhibit I) (ATTORNEY SMITH) (Entered: 01/11/2012)



PREFERRED: Exhibits descriptively labeled with as many attachments added as possible

11/22/2011

70

REPLY to Response to Motion re [69](#) MOTION to Amend filed by MICKEY MOUSE. (Attachments: # [1](#) Exhibit A Report of Mr. Rogers, # [2](#) Exhibit B Photograph of Mr. Rogers # [3](#) Exhibit C Drawing by Mr. Rogers # [4](#) Exhibit D Mr. Green Jeans Photos (ATTORNEY SMITH) (Entered: 11/22/2011)

INCORRECT: Using Category field AND Description Field together Creates Duplicate Text

11/22/2011	81	RESPONSE in Opposition re 8 MOTION to Remand filed by DAISY DUKE. Reply due by 2/9/2004. (Attachments: # 1 Exhibit Exhibit A# 2 Exhibit Exhibit B# 3 Exhibit Exhibit C# 4 Exhibit Exhibit D)(ATTORNEY SMITH) (Entered: 01/27/2004)
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PREFERRED: Disregard Category field AND use Description Field only entering a concise description.

11/22/2011

81

**RESPONSE in Opposition re 8 MOTION to Exclude filed by DAISY DUKE.
(Attachments: # 1 Exhibit 1 Jones Evaluation 2006, # 2 Exhibit 2 Jones Evaluation 2007 # 3 Exhibit 3 Jones Evaluation 2008 # 4 Exhibit 4 Jones Evaluation 2009 # 5 Exhibit 5 Excerpt Employee Handbook, Discipline)(ATTORNEY SMITH)
(Entered: 01/27/2004)**

INCORRECT: Additional attachments overused.

03/23/2012	24	STATEMENT OF FACT by MICKEY MOUSE
03/23/2012	25	ADDITIONAL ATTACHMENTS re 24 Statement of Fact Deposition of Kermit the Frog by MICKEY MOUSE
03/23/2012	26	ADDITIONAL ATTACHMENTS re 24 Statement of Fact Deposition of Miss Piggy by MICKEY MOUSE
03/23/2012	27	ADDITIONAL ATTACHMENTS re 24 Statement of Fact Deposition of Oscar the Grouch by MICKEY MOUSE
03/23/2012	28	ADDITIONAL ATTACHMENTS re 24 Statement of Fact Deposition of Big Bird by MICKEY MOUSE

CORRECT: Attach multiple additional attachments to one “Additional Attachments” entry on the docket.

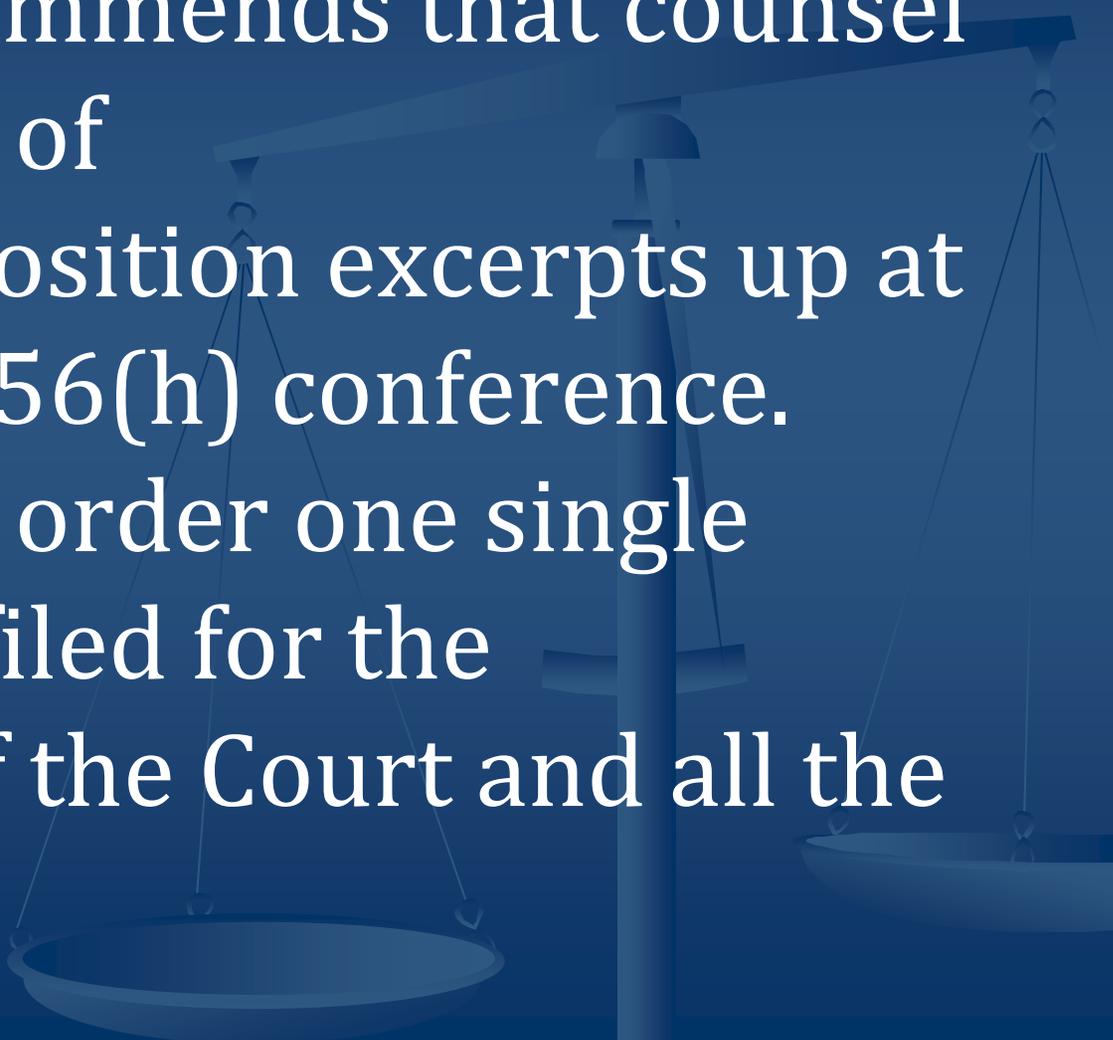
03/23/2012	24	STATEMENT OF FACT by MICKEY MOUSE (Attachments: # 1 Exhibit 1 Smith Evaluation 2006, # 2 Exhibit 2 Smith Evaluation 2007, # 3 Exhibit 3 Smith Evaluation 2008, # 4 Exhibit 4 Smith Evaluation 2009)
03/23/2012	25	ADDITIONAL ATTACHMENTS re 24 Statement of Fact by MICKEY MOUSE -- First Attached Document: Deposition of Kermit the Frog (Attachments: # 1 Deposition of Miss Piggy, # 2 Deposition of Oscar the Grouch, # 3 Deposition of Big Bird)

Local Rule 26(c) states that a party relying on discovery/deposition transcripts in support of or in opposition to a motion shall file EXCERPTS of such transcript.

However, when there are multiple separate excerpts of deposition transcripts being filed with different filings, it is difficult for the Court and counsel of record and the public to effectively piece together and review the transcript.

PREFERRED:

The Court recommends that counsel bring the topic of discovery/deposition excerpts up at the Local Rule 56(h) conference. The judge may order one single deposition be filed for the convenience of the Court and all the parties.

A faint, stylized illustration of a pair of scales of justice is visible in the background, centered behind the text. The scales are tilted, with the right pan being lower than the left. The entire scene is set against a dark blue gradient background.

Definitions

Redacted - filed with personal data identifier or confidential information removed; document is publicly available.

Unredacted - filed for court consideration without redactions; document is NOT publicly available.

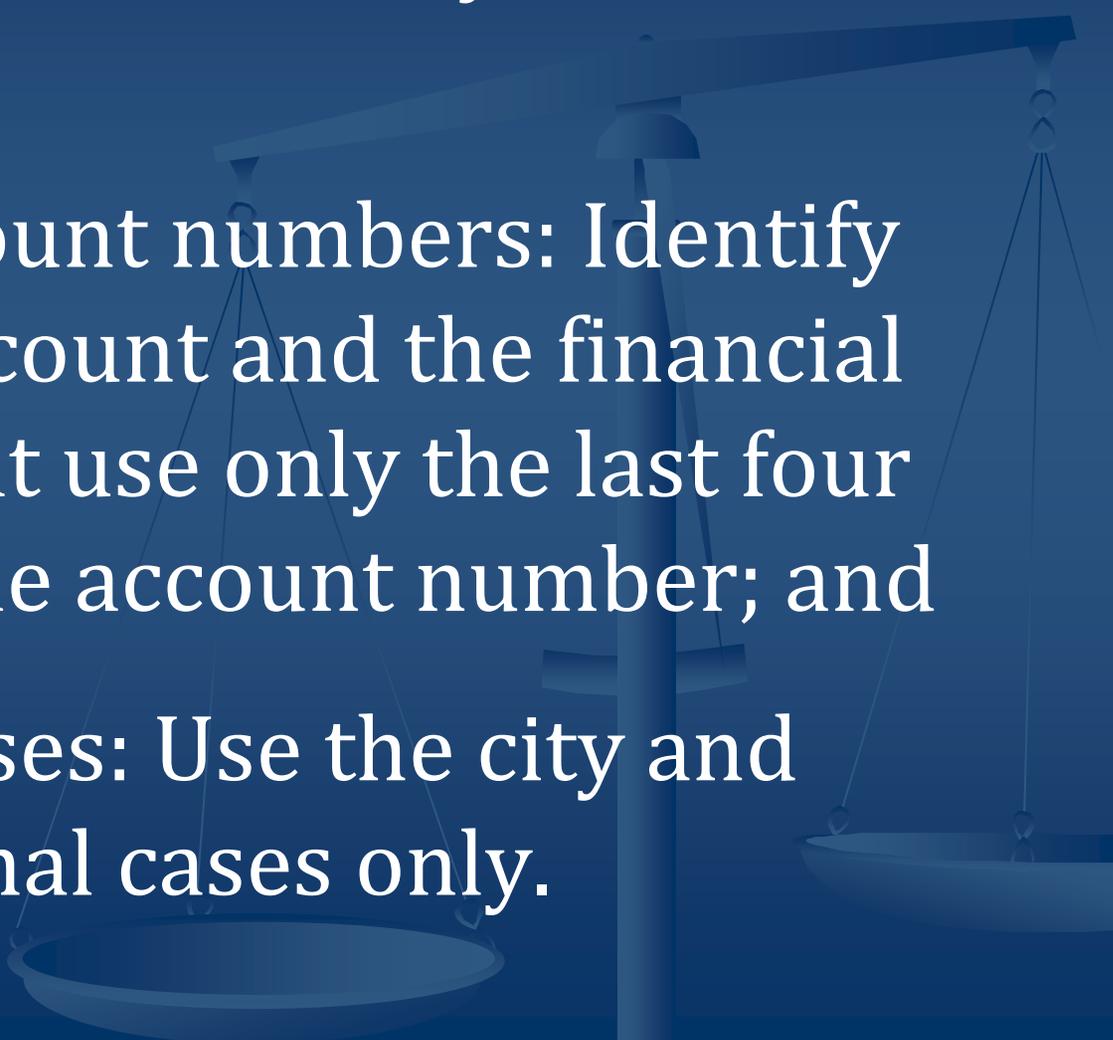
Sealed - documents and/or docket entries are restricted to court users only due to court order, statute or local rule and are not publicly available.

Redacted Documents

You are required by law (Civil Rule 5.2 and Criminal Rule 49.1) to redact the following personal data identifiers:

- Minors' names: Use of the minors' initials only;
- Social security numbers: Use of the last four numbers only;

Redacted Documents, cont'd

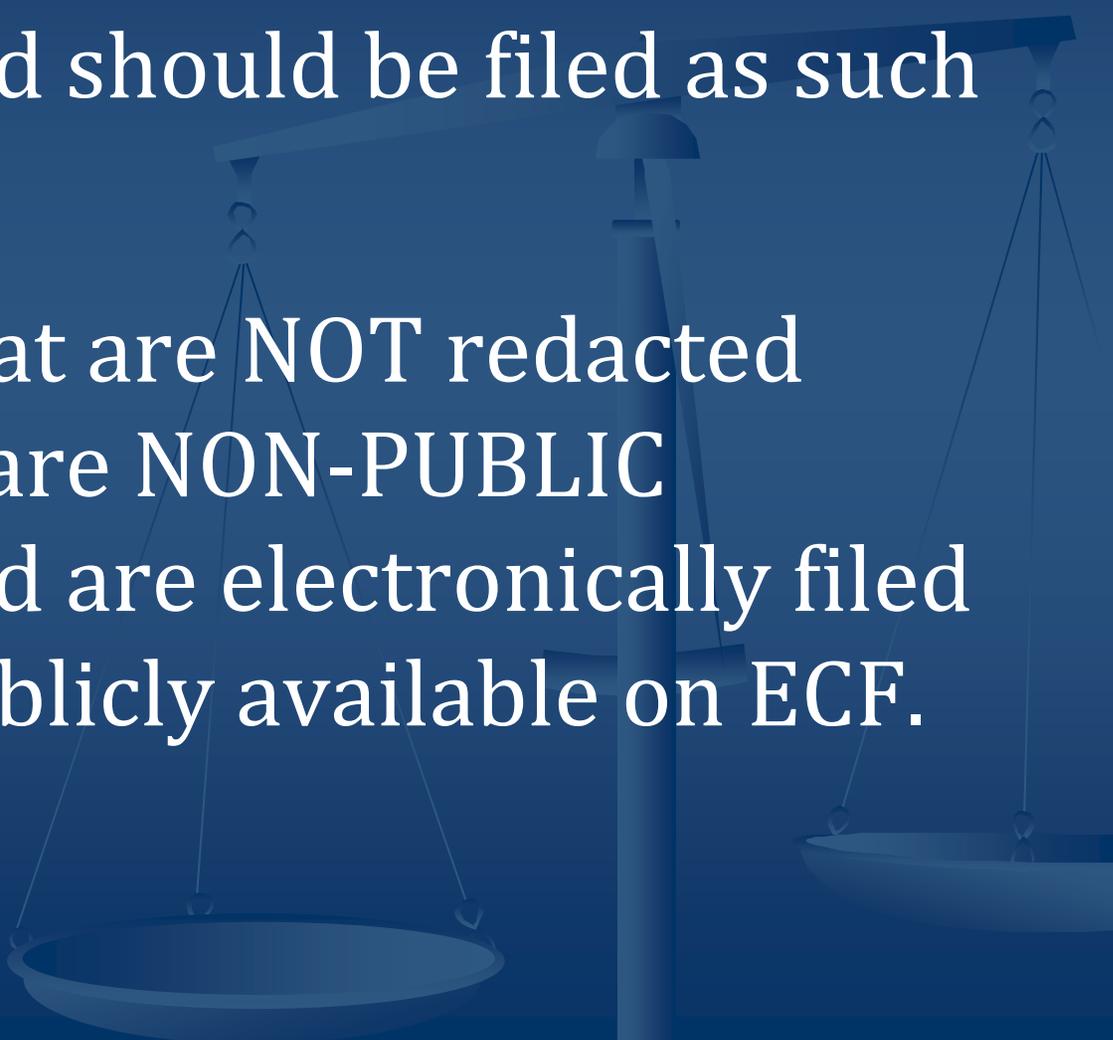
- Dates of birth: Use of the year of birth only;
 - Financial account numbers: Identify the type of account and the financial institution, but use only the last four numbers of the account number; and
 - Home addresses: Use the city and state in criminal cases only.
- 

Redacted Documents, cont'd

When Filing Redacted Documents,
always remember:

- Redaction of personal data identifiers is **MANDATORY FOR EVERY FILING!**
- However, when only personal data identifiers are redacted, it is **NOT USUALLY NECESSARY** to file unredacted versions of documents.

Redacted Documents, cont'd

- Redacted documents are PUBLIC documents and should be filed as such in ECF.
 - Documents that are NOT redacted (unredacted) are NON-PUBLIC documents and are electronically filed but are not publicly available on ECF.
- 

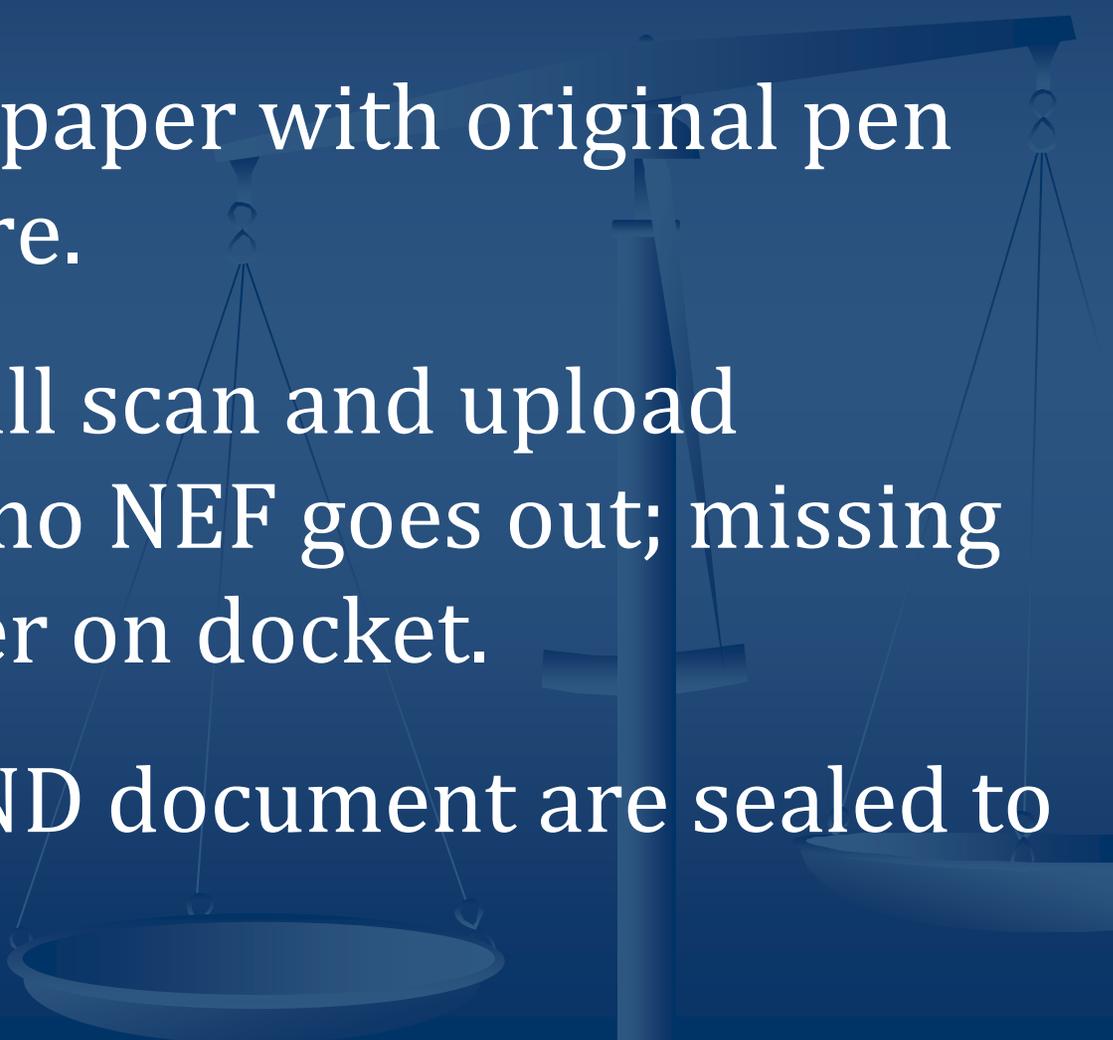
SEALED DOCUMENTS

Civil:

- Must be filed electronically (see p. 43 of User Manual for sealed filing choices).
- Docket entry is public but main document and all attachments are sealed even to the filer.
- NEF goes out but service must be made in a manner other than through ECF.

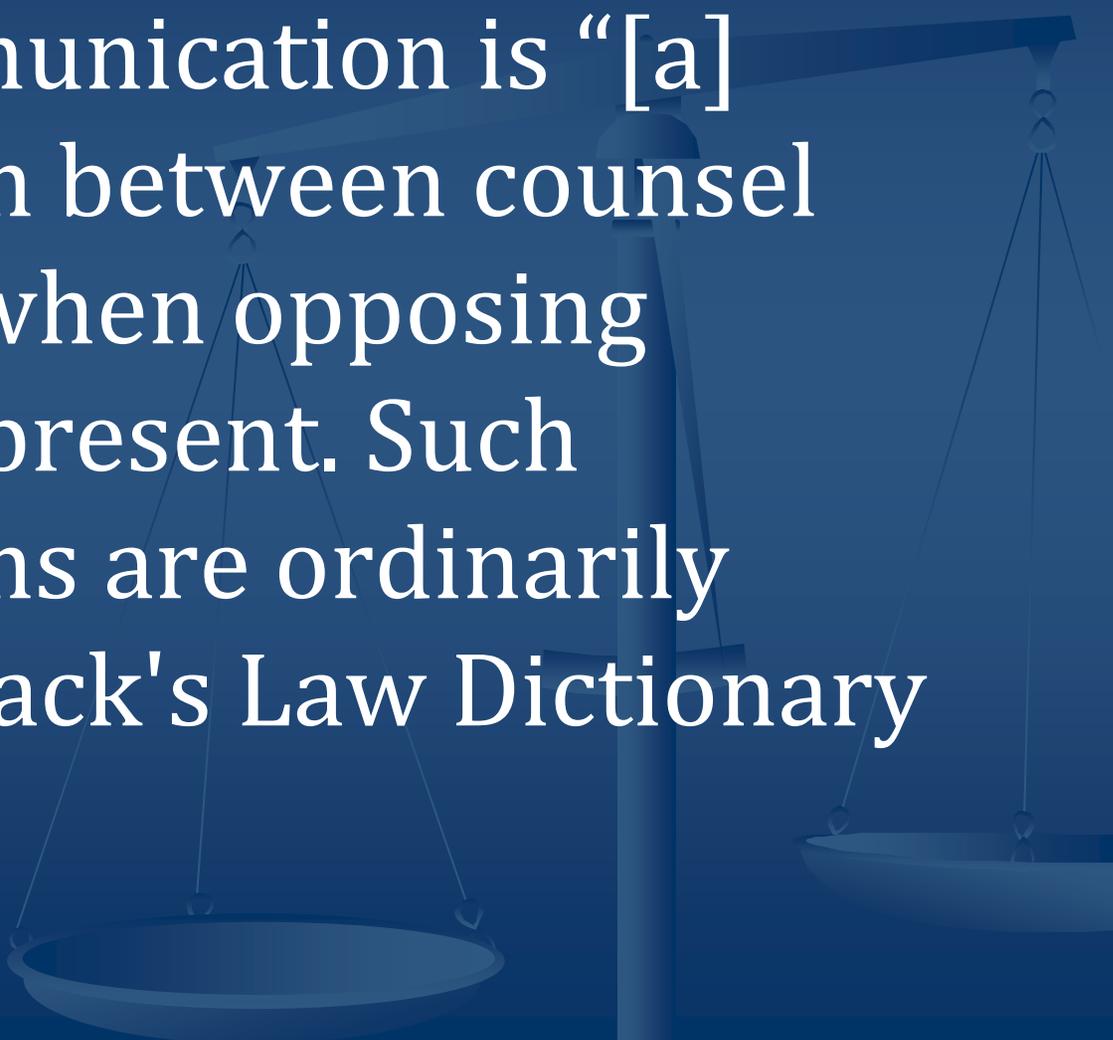
SEALED DOCUMENTS

Criminal:

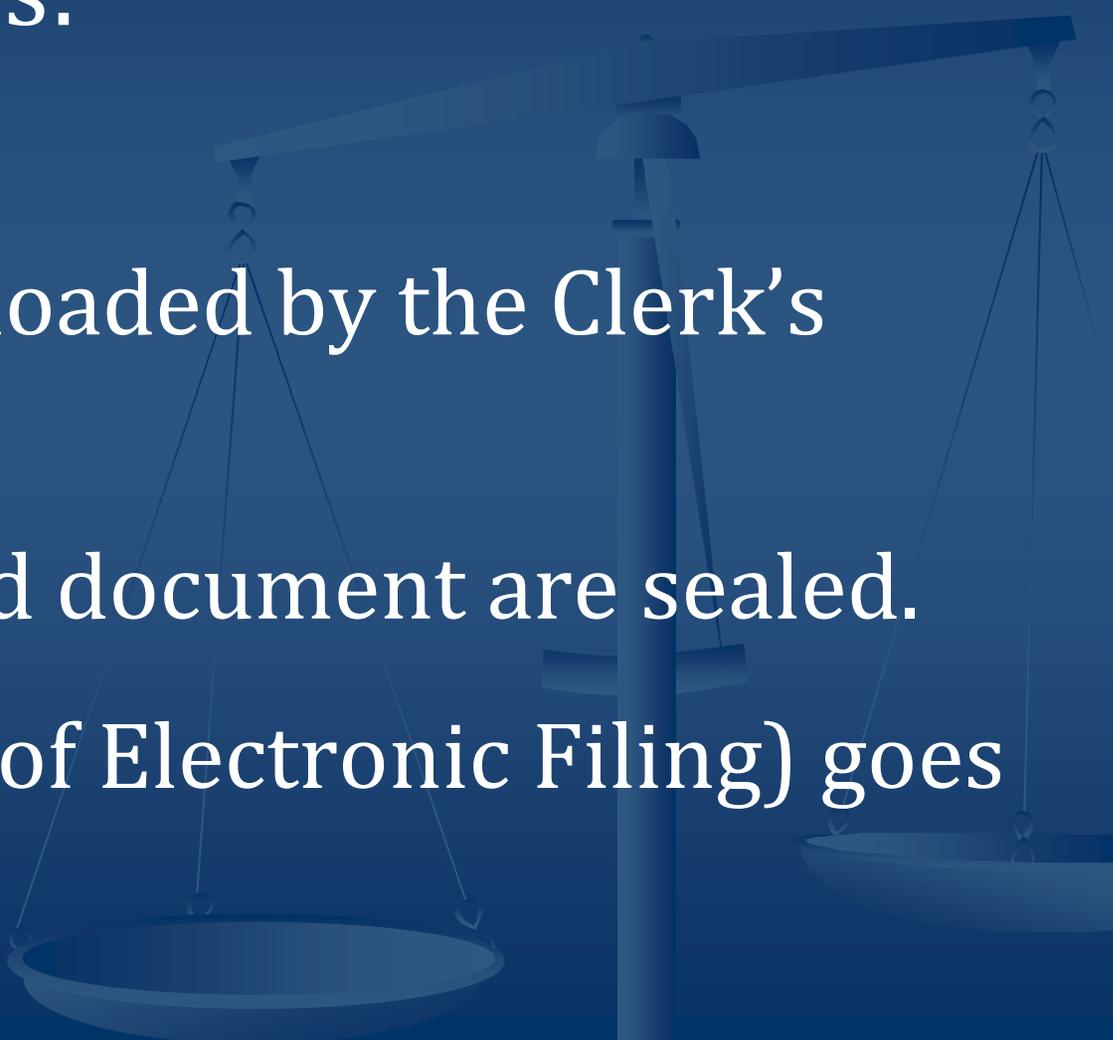
- Must be filed in paper with original pen and ink signature.
 - Clerk's Office will scan and upload documents but no NEF goes out; missing pleading number on docket.
 - Docket entry AND document are sealed to the public.
- 

EX PARTE DEFINITION

Ex parte communication is “[a] communication between counsel and the court when opposing counsel is not present. Such communications are ordinarily prohibited.” Black's Law Dictionary (9th ed.2009).



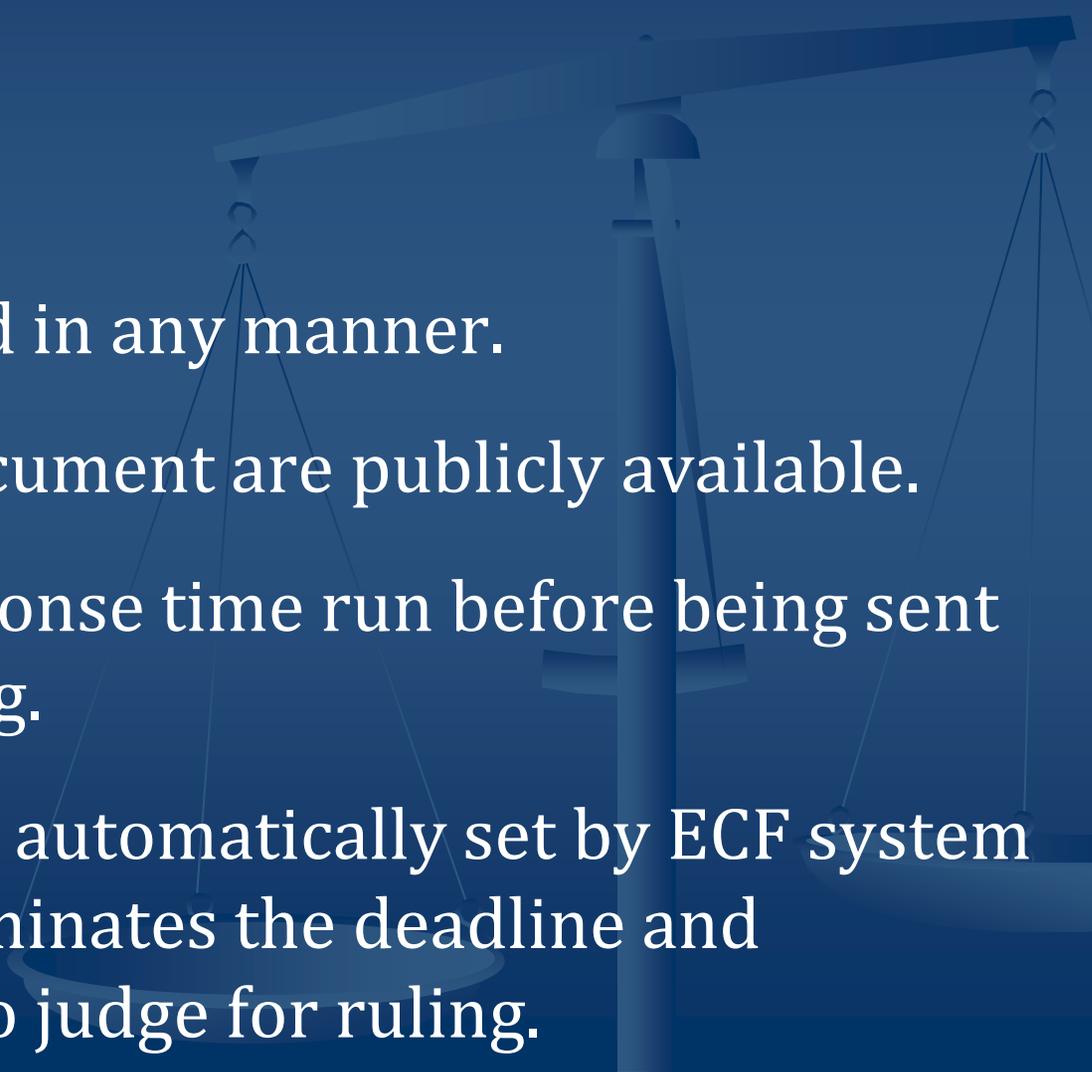
EX PARTE Filings



In Criminal Cases:

- Filed in paper.
- Scanned and uploaded by the Clerk's Office.
- Docket entry and document are sealed.
- NO NEF (Notice of Electronic Filing) goes out.

EX PARTE Filings

A faint, stylized image of a pair of scales of justice is visible in the background of the slide, positioned on the right side.

In Civil Cases:

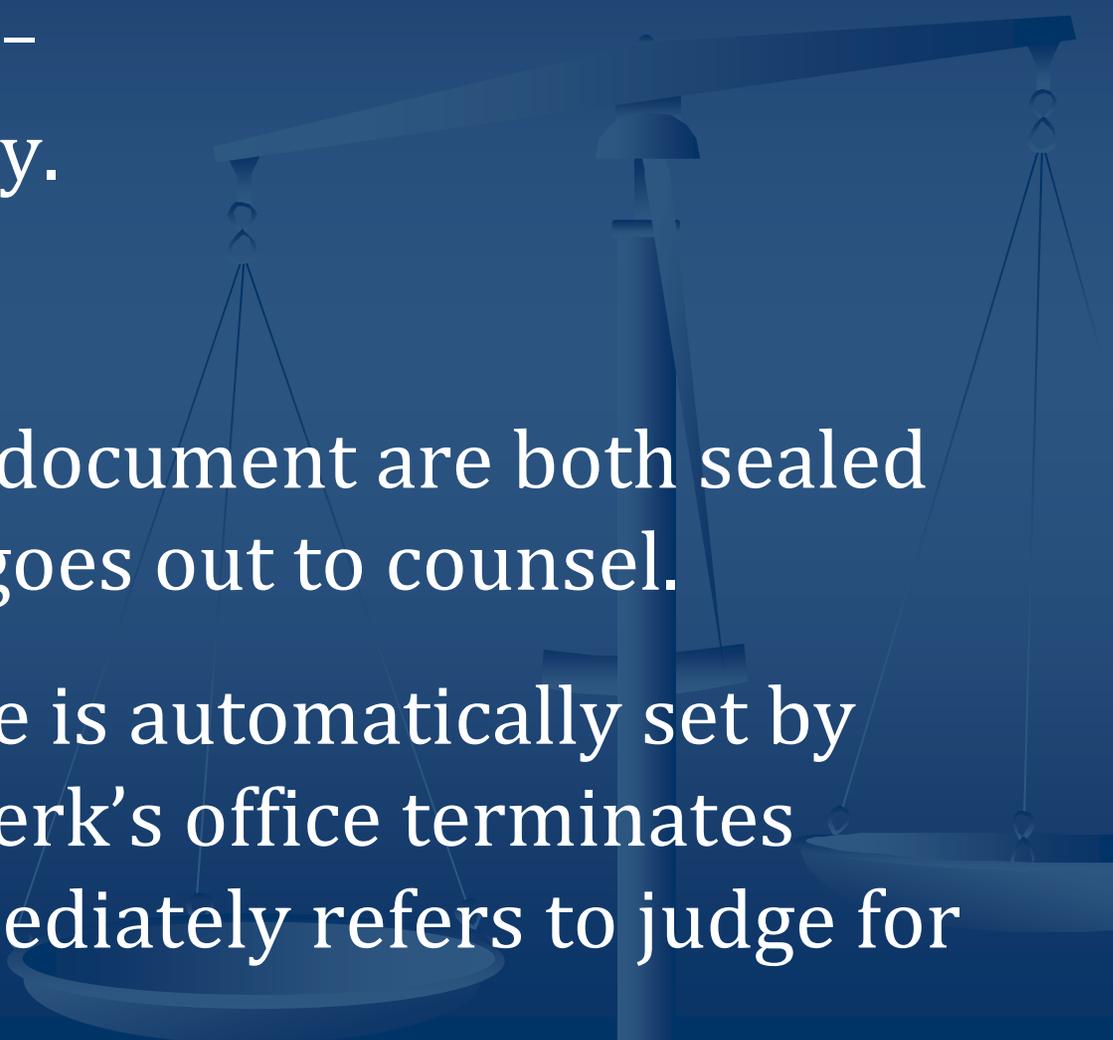
Ex Parte (NOTICE) –

- Filed electronically.
- Not sealed/restricted in any manner.
- Docket entry and document are publicly available.
- Intent is that no response time run before being sent to the judge for ruling.
- Response deadline is automatically set by ECF system but clerk's office terminates the deadline and immediately refers to judge for ruling.

EX PARTE Filings, cont'd

In Civil Cases:

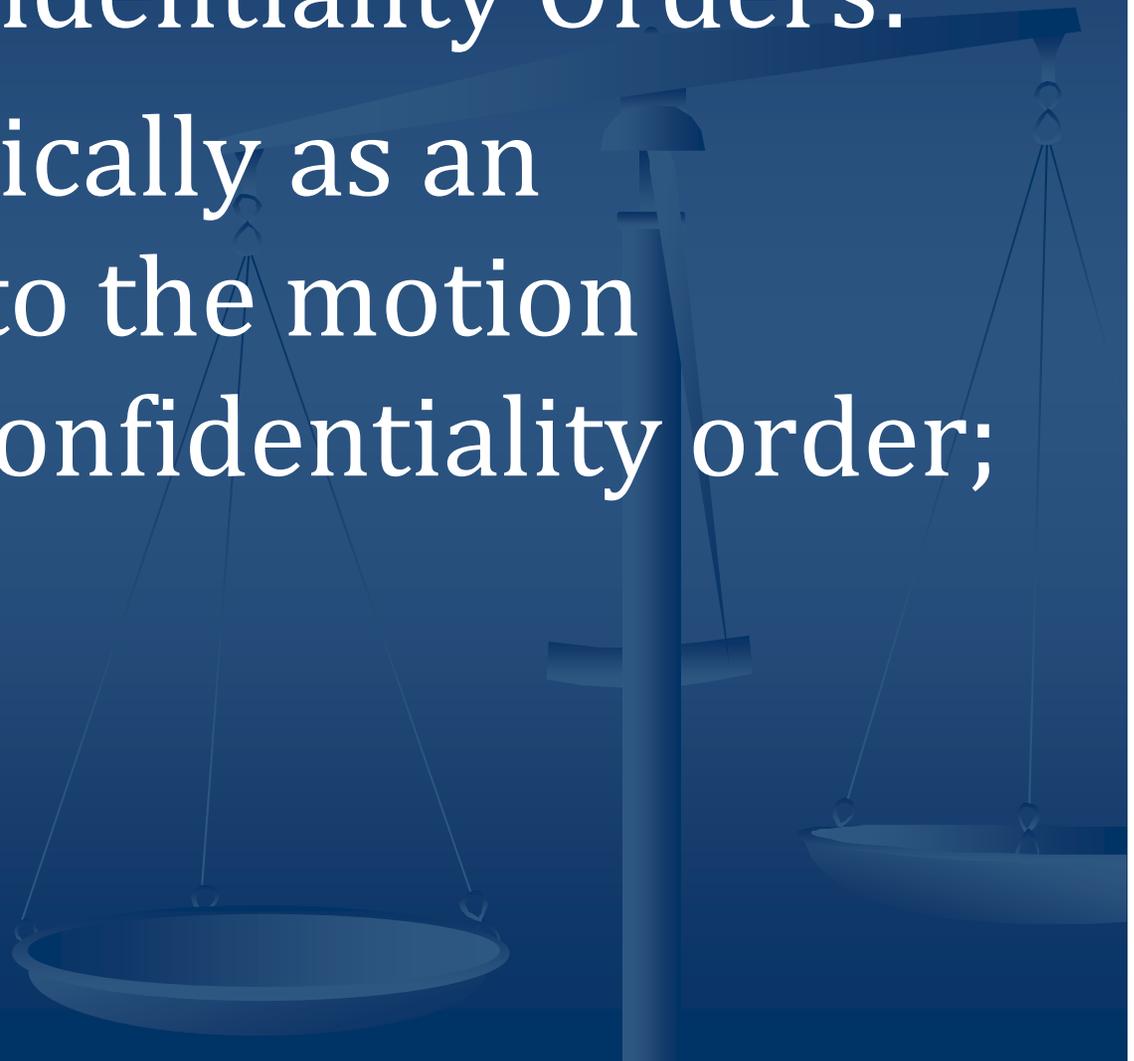
Ex Parte (NO NOTICE) –

- Filed electronically.
 - SEALED.
 - Docket entry and document are both sealed so that no notice goes out to counsel.
 - Response deadline is automatically set by ECF system but clerk's office terminates deadline and immediately refers to judge for ruling.
- 

Confidentiality Orders

Proposed Confidentiality Orders:

1. File electronically as an attachment to the motion requesting confidentiality order;
AND



Confidentiality Orders

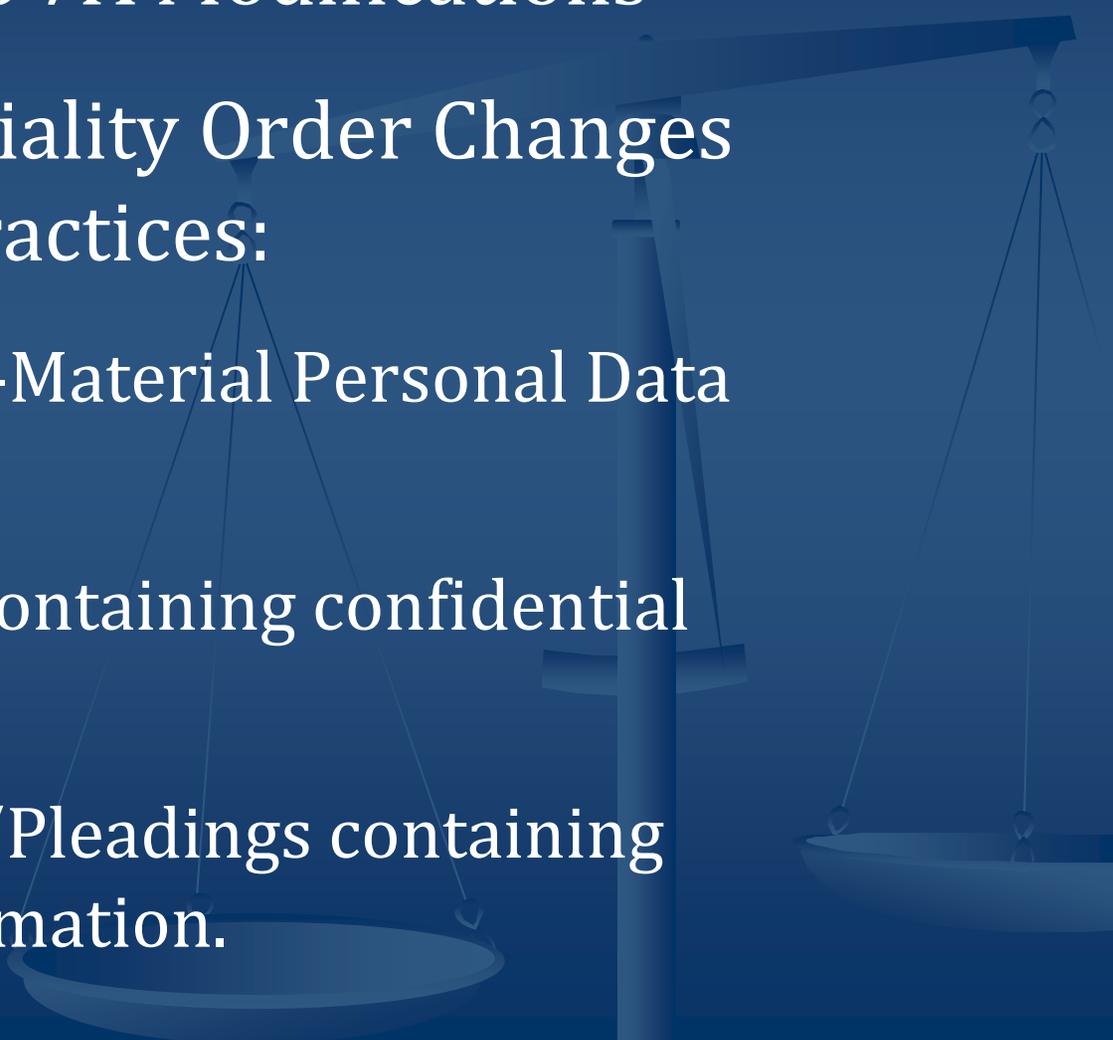
2. Send to e-mail address in MS Word[©] format to:

newcases.portland@med.uscourts.gov

or

newcases.bangor@med.uscourts.gov

Discussion Topics

A faint, stylized image of a pair of scales of justice is visible in the background, positioned on the right side of the slide. The scales are rendered in a dark blue color, matching the slide's background, and are slightly out of focus.

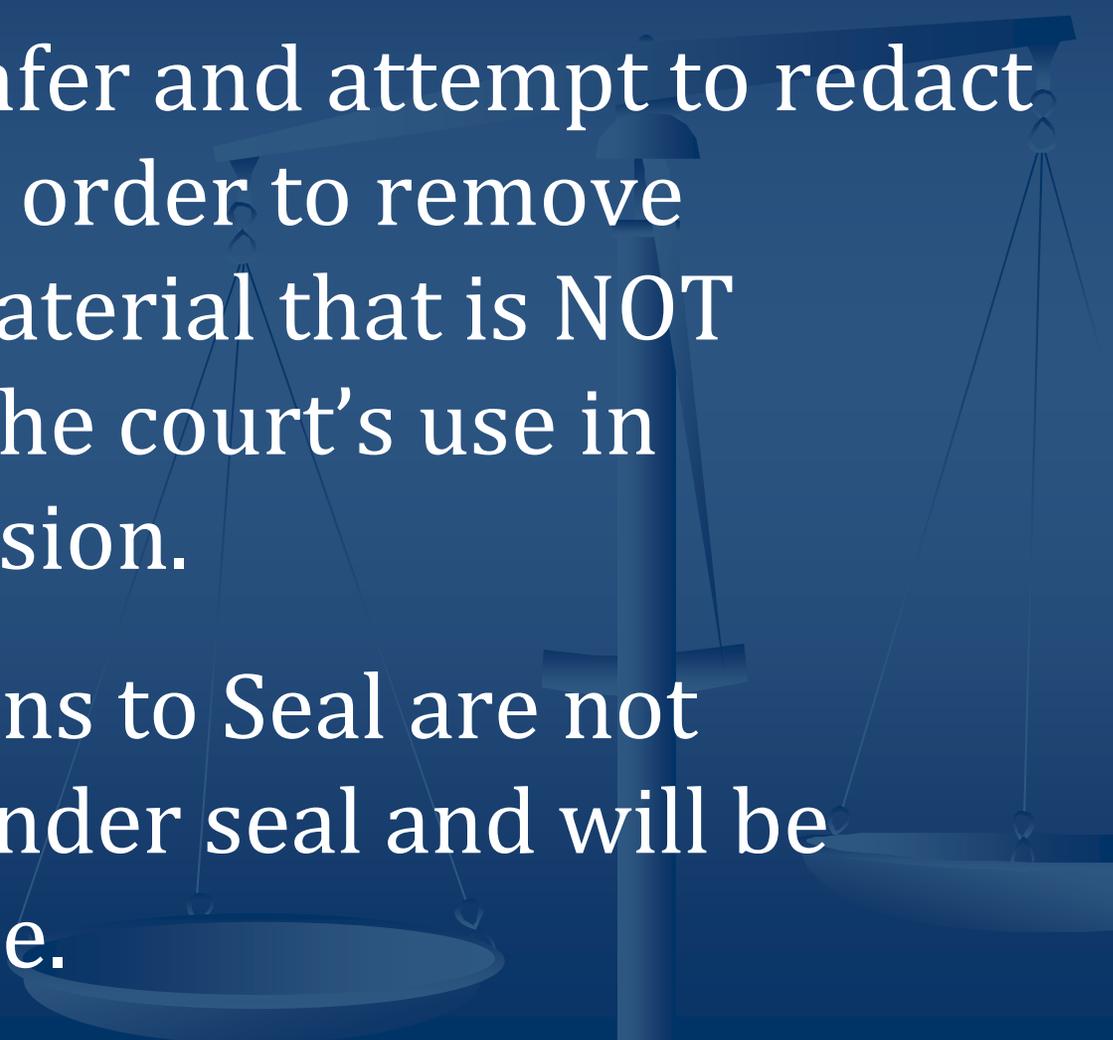
- 1/1/13 Local Rule 7A Modifications
- 1/1/13 Confidentiality Order Changes Affecting Filing Practices:
 - Material and Non-Material Personal Data Identifiers.
 - ATTACHMENTS containing confidential information.
 - Main Documents/Pleadings containing confidential Information.

Local Rule 7A as Amended 1/1/13

Local Rule 7A states:

- Documents marked confidential pursuant to an existing Confidentiality Order may not automatically be filed with the Court under seal.

Local rule 7A as Amended 1/1/13

- Parties must confer and attempt to redact the document in order to remove “confidential” material that is NOT ESSENTIAL for the court’s use in rendering a decision.
 - Orders on Motions to Seal are not generally filed under seal and will be publicly available.
- 
- A faint, stylized image of a pair of scales of justice is visible in the background, centered behind the text. The scales are dark blue and appear to be slightly out of focus, serving as a decorative element.

Confidentiality Orders as Amended 1/1/13

Main Document and/or Attachment
containing **non-material personal data
identifiers:**

- Redact the personal data identifiers and file accordingly.
- DO NOT file an unredacted version.

Confidentiality Orders as Amended 1/1/13

Main Document and/or Attachment
containing **MATERIAL personal data
identifiers:**

- Redact the personal data identifiers and file accordingly.
- Also separately file an unredacted version using the “Unredacted Document” event in CM/ECF.

Confidentiality Orders as Amended 1/1/13

An **ATTACHMENT** containing confidential information agreed to be **NON-MATERIAL**:

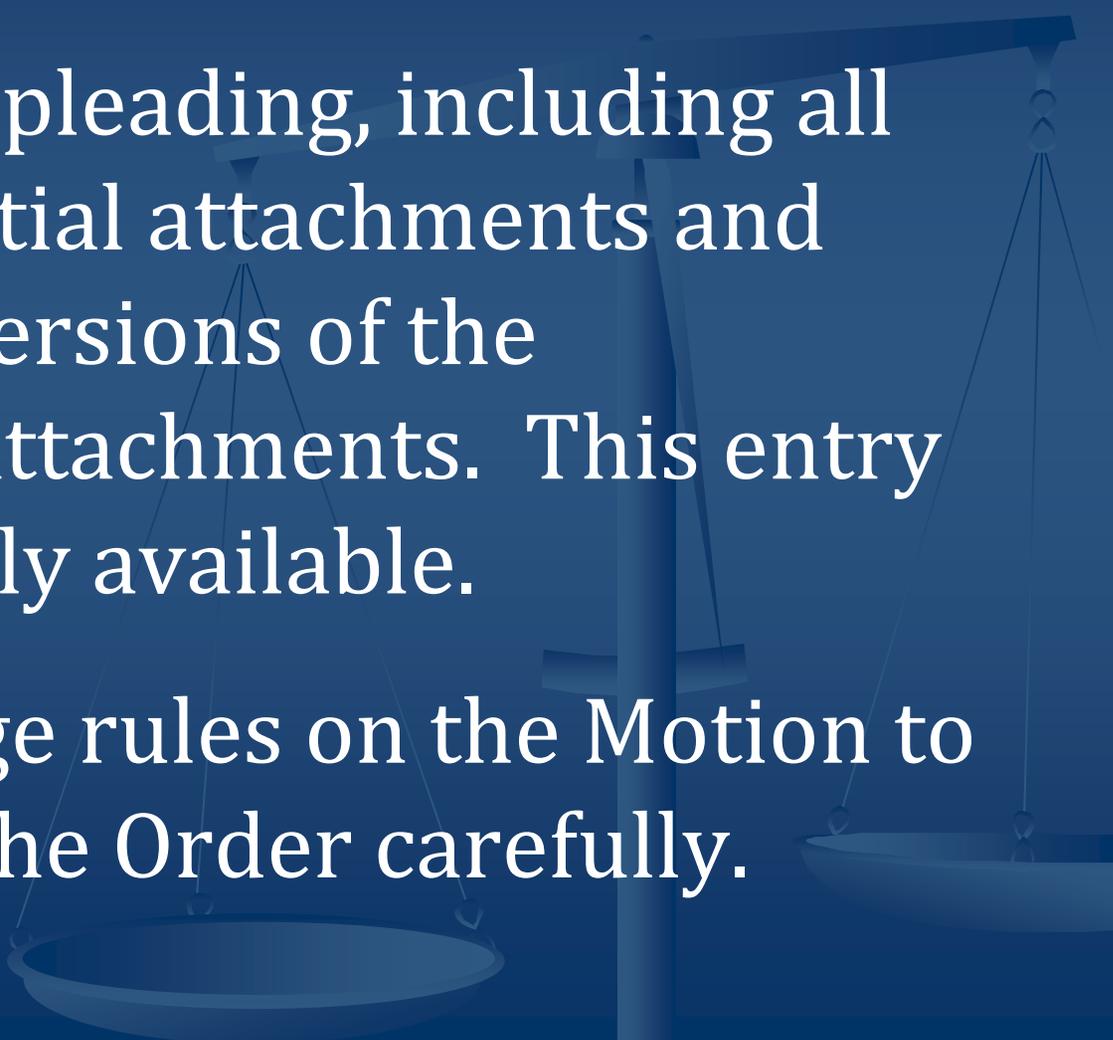
- Redact the non-material confidential information and file accordingly.
- DO NOT file an unredacted version.

Confidentiality Orders as Amended 1/1/13

Any **EXHIBIT/ATTACHMENT** containing confidential information deemed **ESSENTIAL** must be filed as follows:

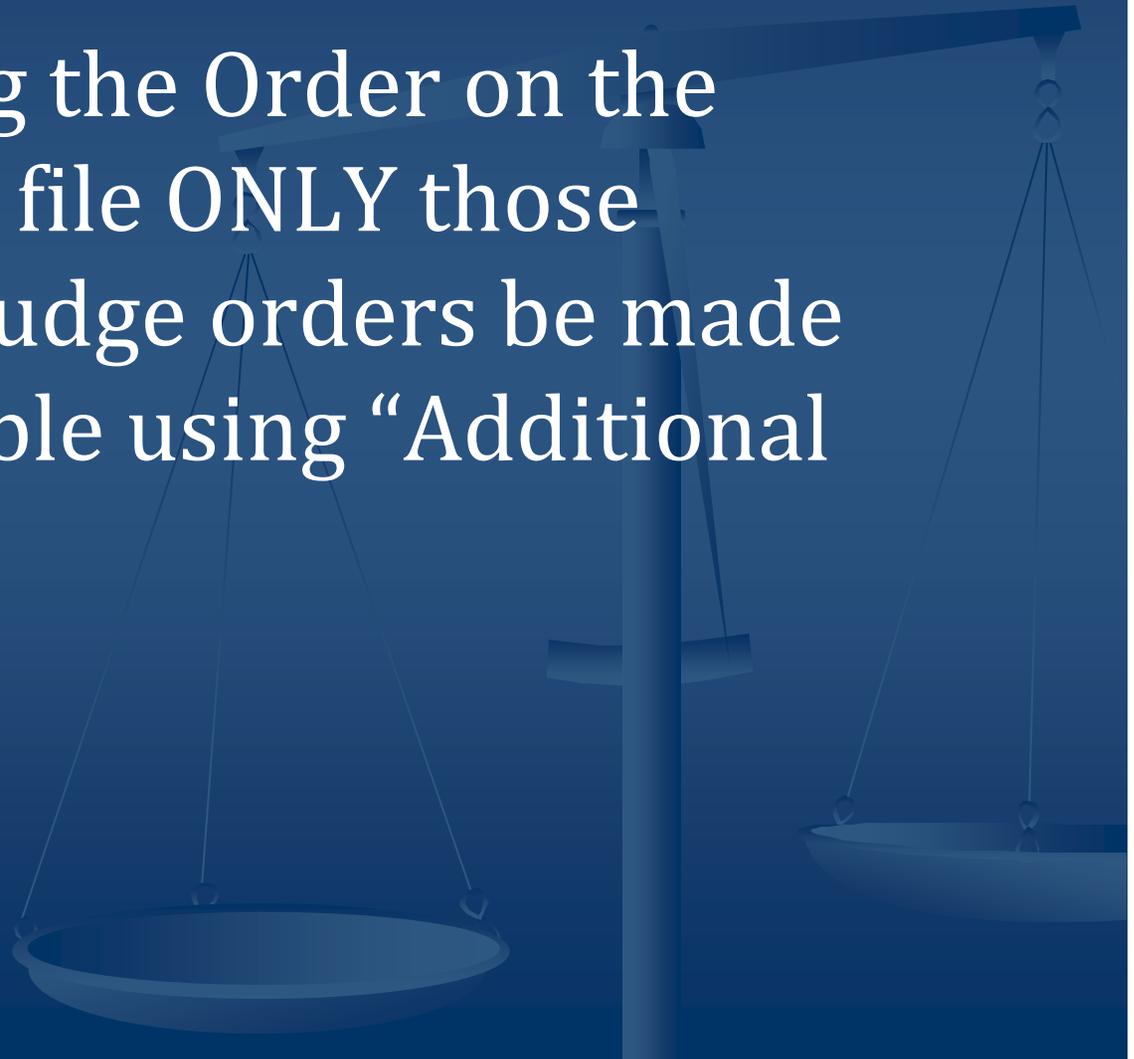
1. File a motion to seal and attach a complete unredacted version of **ONLY** the attachments that contain confidential information.

Confidentiality Orders as Amended 1/1/13

2. File the main pleading, including all non-confidential attachments and REDACTED versions of the confidential attachments. This entry will be publicly available.
 3. Once the Judge rules on the Motion to Seal, review the Order carefully.
- 

Confidentiality Orders as Amended 1/1/13

4. After reviewing the Order on the Motion to Seal, file ONLY those pleadings the Judge orders be made publicly available using “Additional Attachments”.



Confidentiality Orders as Amended 1/1/13

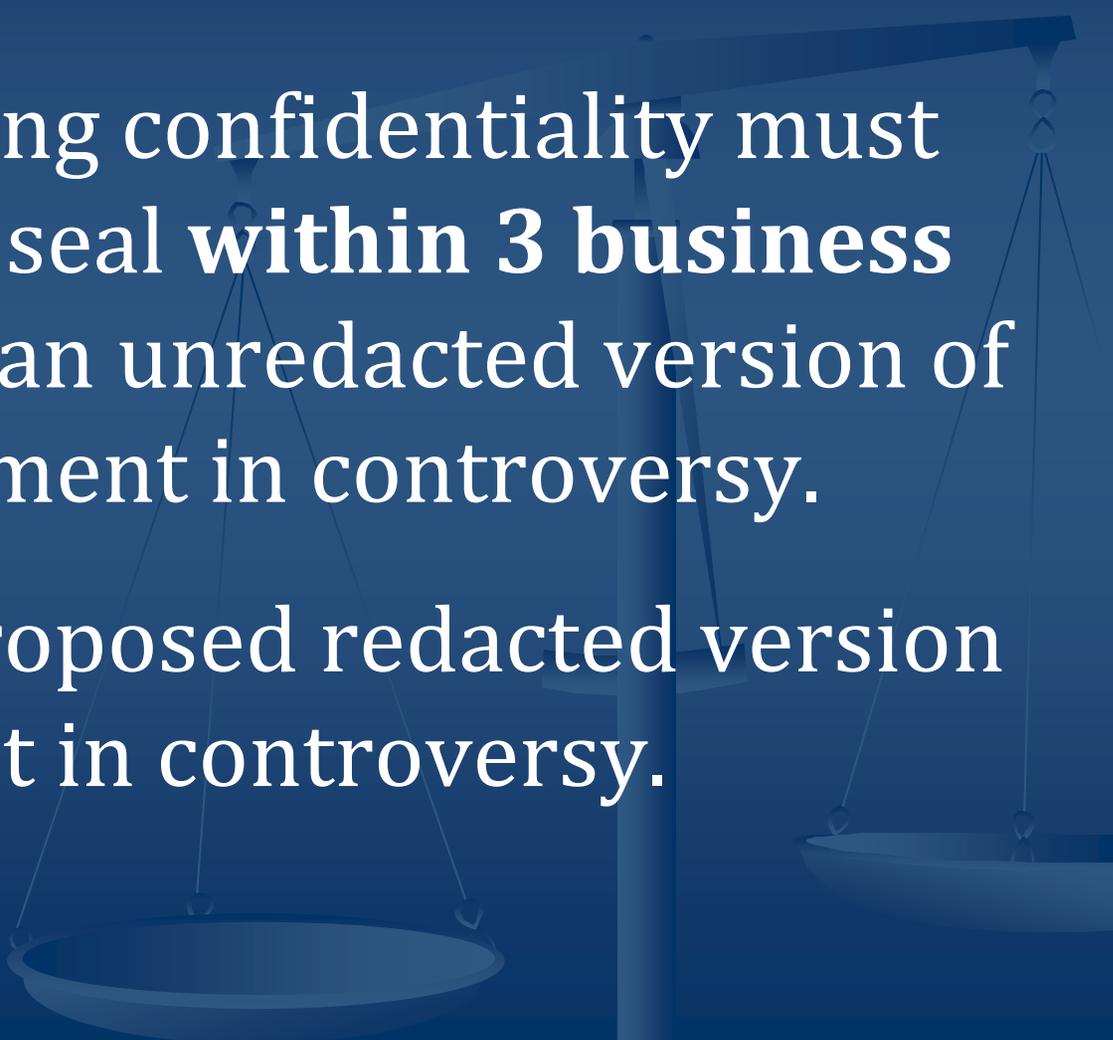
An **EXHIBIT/ATTACHMENT**
containing confidential information
where there is disagreement
regarding confidentiality AND the
non-filing party wants
confidentiality must be filed as
follows:



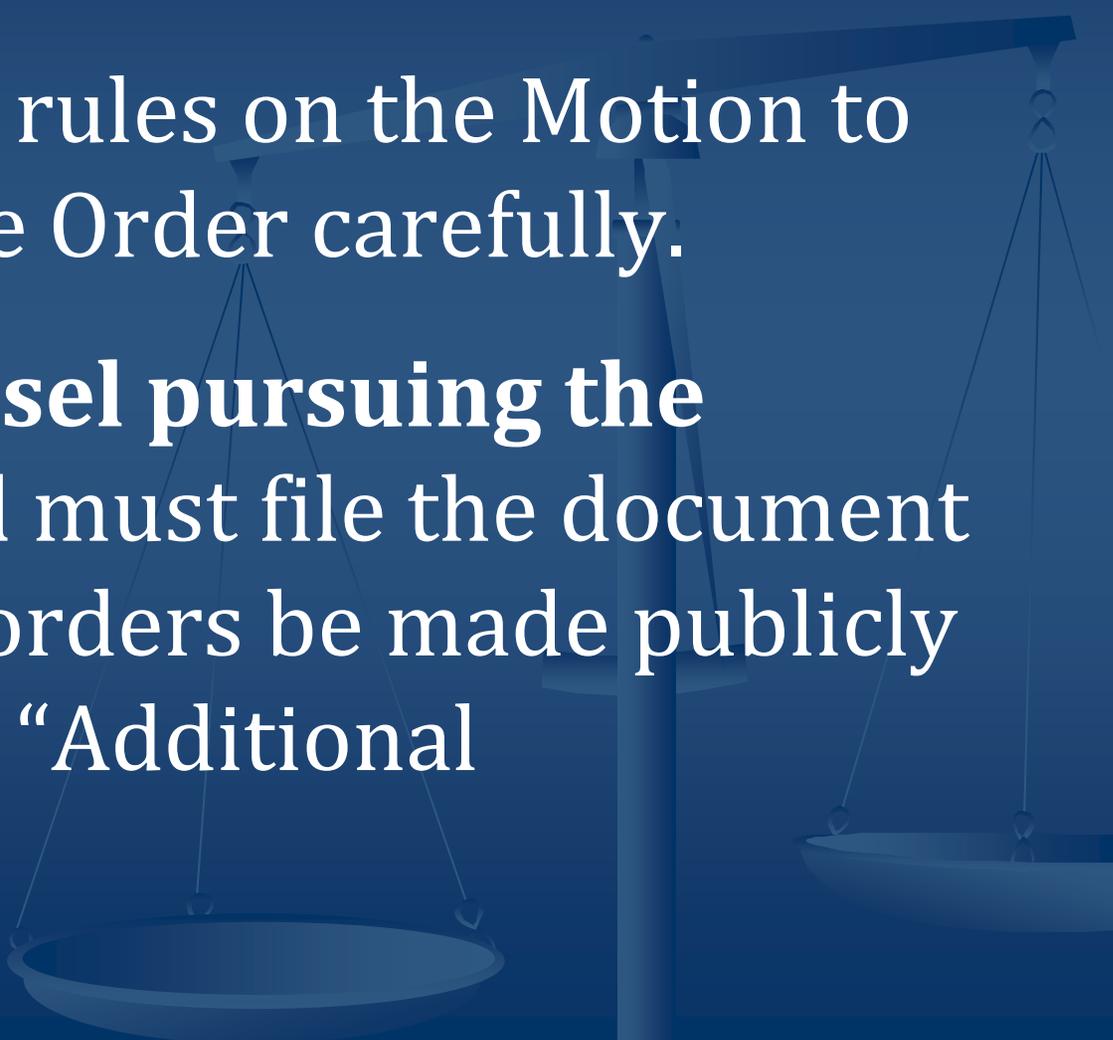
Confidentiality Orders as Amended 1/1/13

1. File the main pleading, including all non-confidential and redacted attachments. This entry will be publicly available.
2. Attach a placeholder attachment in place of the attachment in controversy, giving it an exhibit number, describing it, and indicating it will be filed separately under seal by the opposing party.

Confidentiality Orders as Amended 1/1/13

3. The party seeking confidentiality must file a motion to seal **within 3 business days** attaching an unredacted version of **ONLY** the document in controversy.
 4. Also attach a proposed redacted version of the document in controversy.
- 

Confidentiality Orders as Amended 1/1/13

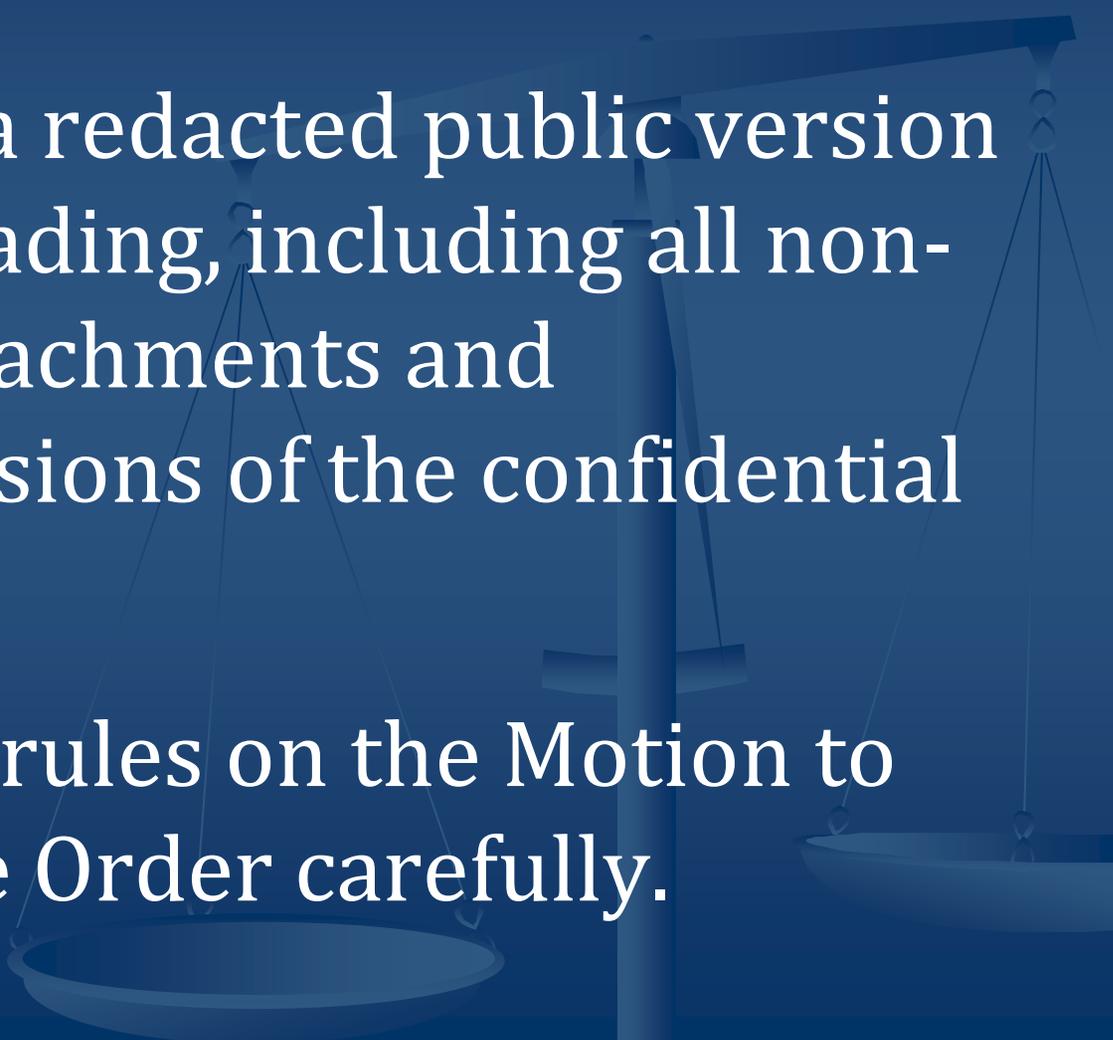
5. Once the Judge rules on the Motion to Seal, review the Order carefully.
 6. If denied, **counsel pursuing the Motion to Seal** must file the document that the Judge orders be made publicly available using “Additional Attachments”.
- 

Confidentiality Orders as Amended 1/1/13

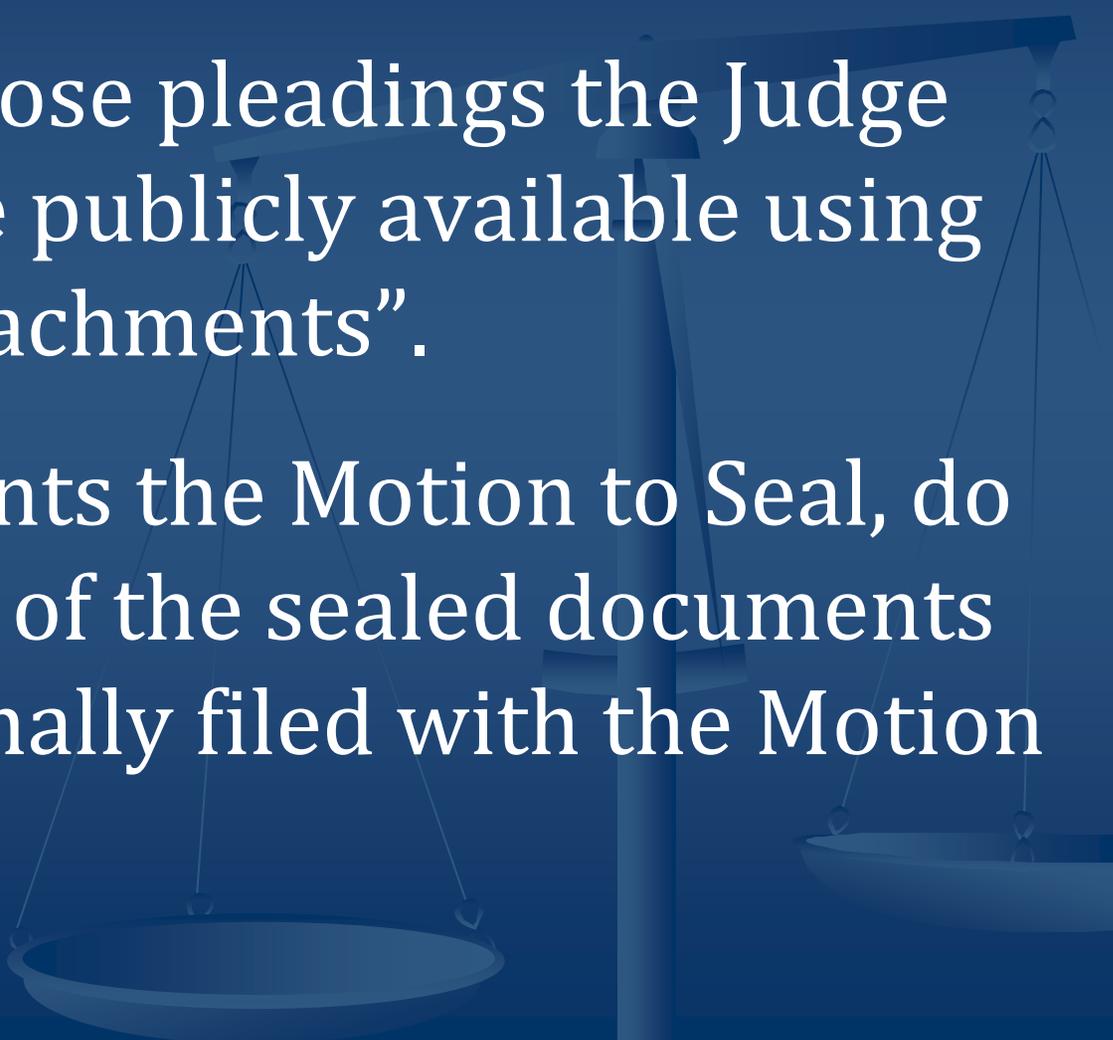
Any PLEADING/MOTION/MAIN DOCUMENT containing confidential information deemed ESSENTIAL must be filed as follows:

1. File a motion to seal and attach A FULL AND COMPLETE VERSION of the pleading and ALL supporting exhibits.

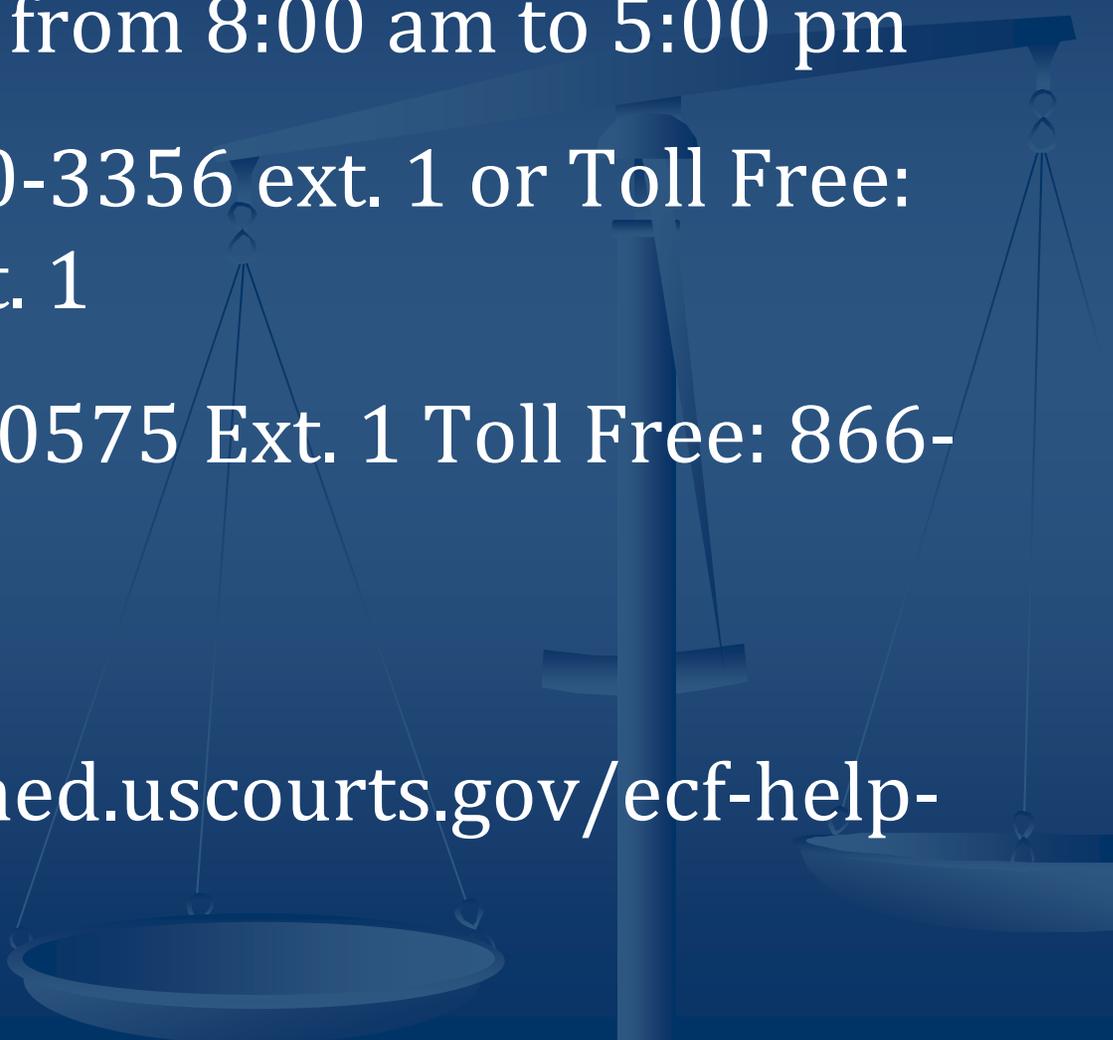
Confidentiality Orders as Amended 1/1/13

2. Separately file a redacted public version of the main pleading, including all non-confidential attachments and REDACTED versions of the confidential attachments.
 3. Once the Judge rules on the Motion to Seal, review the Order carefully.
- 

Confidentiality Orders as Amended 1/1/13

4. Re-file ONLY those pleadings the Judge orders be made publicly available using “Additional Attachments”.
 5. If the Court grants the Motion to Seal, do NOT re-file any of the sealed documents that were originally filed with the Motion to Seal.
- 

Resources

A faint, stylized image of a pair of scales of justice is visible in the background, centered behind the text. The scales are dark blue and appear to be slightly tilted.

Help Desk available from 8:00 am to 5:00 pm

- Portland: 207-780-3356 ext. 1 or Toll Free: 866-540-3017 ext. 1
- Bangor: 207-945-0575 Ext. 1 Toll Free: 866-820-3315 ext. 1
- HELP E-mail
<http://www.med.uscourts.gov/ecf-help-desk-contact>

**Thank you for your
kind attention!**



**UNITED STATES DISTRICT COURT
DISTRICT OF MAINE**