

NOTICE TO COUNSEL AND LITIGANTS COURT ANNOUNCES CHANGES IN WEBSITE AND PROCEDURES

Eighth Circuit and Eighth Circuit Bankruptcy Appellate Panel
Announces Plans Concerning CM/ECF Implementation

On Monday, December 18, 2006, the Eighth Circuit began its implementation of the appellate version of CM/ECF, the federal courts' electronic filing and noticing system. The implementation consists of several stages and has required changes to the court's website and its operating procedures.

The Eighth Circuit's Website.

As part of the CM/ECF implementation process, links to the full text of briefs are only available through the PACER system. This means that access to briefs is no longer free, and users must have a PACER account in order to access briefs. Briefs are subject to the \$.08 per page charge imposed by PACER, but the total charge for any document may not exceed \$2.40. As a result, no brief, regardless of its length, will ever cost more than \$2.40 to download or print. Casual users of PACER should note that PACER does not bill if a user's charges are less than \$10.00 in a calendar year. This effectively gives a casual PACER user access to four free briefs a year. If you have not signed up for PACER, you may register for the service by clicking by visiting the PACER website at <http://pacer.psc.uscourts.gov>

In addition to charging for access to briefs, the court is required to charge for PACER access to orders, reports and case captions. All of the other items available on this website, including opinions, rules, calendars, oral arguments and forms, will remain free of charge.

VIA and Electronic Noticing.

For many years, the court maintained an electronic noticing system called *VIA* which allowed the clerk to e-mail or fax notices to participants. CM/ECF replaces *VIA* with an e-mail-based noticing system. In CM/ECF, participants in a case who have provided the clerk with an e-mail address receive an electronic "Notice of Docket Activity" when the court takes an action in a case. If counsel or parties have not provided the clerk with an e-mail address, their copies of the court's orders, calendars, opinions or other notices will be mailed to their physical address through the U.S. Postal Service.

The Notice of Docket Activity which is e-mailed to users contains a link to the order, opinion or other notice generated by the court. Users must click on this link in order to retrieve their copy of the document. There is no charge for this access. Please note, however, that like the bankruptcy and district court systems, this is the case participant's "one free look" at the document, and recipients of the Notice of Docket Activity should download the document if they wish to keep a permanent copy and avoid future charges for viewing the document.

VIA users who have stated a preference for fax notices should note that CM/ECF does not provide for fax notices, and the court can only send e-mail notices. However, users may specify multiple e-mail addresses for their notices. If you were a VIA user and only provided the court with a fax number, please complete the form at <https://pacer.psc.uscourts.gov/psco/cgi-bin/cmecf/ea-regform.pl>. If you do not provide an e-mail address, the clerk's office will mail your copy of the document through the U.S. Postal Service.

While participation in VIA has been voluntary, it is anticipated that CM/ECF will be mandatory for counsel and voluntary for pro se litigants. If you have not provided the court with an e-mail address, you should do so immediately. A form for providing the information is available at <https://pacer.psc.uscourts.gov/psco/cgi-bin/cmecf/ea-regform.pl>.

Electronic Filing of Documents.

The court plans to implement full electronic case filing (ECF) in all cases beginning on June 1, 2007. Additional details about the program, including information about registering to become an authorized user, will be provided on this website and through e-mails to attorneys.

Training modules for the appellate version of ECF are available on this website under the "Court Announcements" section of the homepage at <http://www.ca8.uscourts.gov>

Questions about CM/ECF may be directed to the clerk's office in St. Louis at 314-244-2400.