

United States District Court District of Massachusetts



Attorney Handbook

Prepared by the Clerk's Office
United States District Court
District of Massachusetts
Revised December 2011

Updated March, 2013

Table of Contents

INTRODUCTION.....	1
MISSION STATEMENT	2
ALTERNATIVE DISPUTE RESOLUTION	3
APOSTILLE.....	3
APPEALS.....	4
TO THE COURT OF APPEALS FOR THE FIRST CIRCUIT	4
TO THE FEDERAL CIRCUIT COURT OF APPEALS	4
BAIL	4
CASH	4
COLLATERAL OTHER THAN CASH OR REAL PROPERTY	5
DISCHARGE OF MORTGAGE	5
REAL ESTATE OR OTHER REAL PROPERTY AS SURETY	6
RETURN OF CASH BAIL.....	6
BANKRUPTCY.....	7
APPEALS TO THE DISTRICT COURT.....	7
MOTION FOR LEAVE TO APPEAL	7
MOTION FOR STAY PENDING APPEAL	7
WITHDRAWAL OF REFERENCE	8
BAR.....	8
ADMISSION FIX.....	8
CERTIFICATE OF GOOD STANDING FIX	8
COURTROOM OPPORTUNITIES FOR RELATIVELY INEXPERIENCED ATTORNEYS.....	9
DUPLICATE CERTIFICATE OF ADMISSION	9
<i>PRO HAC VICE</i> ADMISSION.....	9
BILL OF COSTS	9
CAMERAS IN THE COURTROOM PILOT PROJECT	10
CASE ASSIGNMENT.....	10
CASE FILES	11
CASE INFORMATION	11
CASE NUMBERS: WHAT THEY MEAN	11
CENTRAL VIOLATIONS BUREAU	12

CERTIFICATE OF SERVICE	12
CERTIFICATION OF JUDGMENT	13
FOR REGISTRATION IN ANOTHER JURISDICTION	13
FOR REGISTRATION IN THIS DISTRICT OF A JUDGMENT ENTERED IN ANOTHER JURISDICTION	13
CHANGE OF ADDRESS FIX	14
CIVIL ACTIONS –NEW, INCLUDING NOTICES OF REMOVAL	14
CRIMINAL JUSTICE ACT (CJA)	15
DUTY ATTORNEY (Boston)	15
PANEL OF ATTORNEYS	15
PAYMENT	16
CLERK’S OFFICE LOCATIONS AND HOURS	16
CM/ECF	18
HELP DESK RESOURCES	18
COPY REQUESTS	18
CORPORATE DISCLOSURE STATEMENT	19
COURT CALENDAR (DAILY DOCKET)	19
COURT DIRECTORY	19
COURT REPORTERS	19
DEFAULT JUDGMENT: STANDING ORDER	20
DISCOVERY DOCUMENTS	20
THE DOCKET SHEET	20
E-GOVERNMENT ACT OF 2002	21
ELECTRONIC DEVICES AND PHOTOGRAPHIC EQUIPMENT	22
EMERGENCY BUSINESS	23
DURING NORMAL BUSINESS HOURS	23
OUTSIDE OF BUSINESS HOURS	23
<i>EX PARTE</i> DOCUMENTS	23
EXEMPLIFICATION CERTIFICATES	23
EXHIBITS: TRIAL	24
FEDERAL PUBLIC DEFENDER	24
FEDERAL RECORDS CENTER	24
FEES	25
ACCEPTABLE FORMS OF PAYMENT	25
PAY.GOV	25

FILING BY FAX OR EMAIL..... 26

FORM AND SIGNING OF PAPERS..... 26

FORMS 26

GENERAL COURT ORDERS 26

INCLEMENT WEATHER..... 27

INDICES..... 27

INTEREST RATES:..... 28

 POST-JUDGMENT..... 28

 PRE-JUDGMENT 28

INTERNET ACCESS IN THE COURTROOM (Moakley Courthouse only) 29

INTERPRETERS..... 29

JUDICIAL MISCONDUCT 30

JURISDICTION 30

JURY EVIDENCE RECORDING SYSTEM (JERS)..... 31

JURY INFORMATION..... 31

 FOR ATTORNEYS 31

 FOR JURORS 31

LEGAL HOLIDAYS AND OBSERVANCES..... 32

LENGTH OF MEMORANDA 32

LIENS..... 32

 ABSTRACTS OF JUDGMENT 32

 INTERNAL REVENUE SERVICE..... 32

 OTHER..... 33

LOCAL RULES 33

MEDIA ACCESS 33

MEDICAL RECORDS 34

MISCELLANEOUS BUSINESS DOCKET 34

MULTIDISTRICT LITIGATION 35

NATURALIZATION 35

OPINIONS SEARCH..... 35

PACER..... 36

 PACER CASE LOCATOR 36

PRESENTATION EQUIPMENT 36

PRO BONO PROGRAM 37

PRO BONO MEDIATION PROGRAM..... 37
PRO SE LITIGATION..... 38
QUALITY ASSURANCE..... 38
QUI TAM (WHISTLE BLOWER OR FALSE CLAIM ACT) CASES..... 38
REDACTION OF HIDDEN TEXT AND METADATA 38
REENTRY PROGRAMS 39
 CARE (Court Assisted Recovery Effort) 39
 RESTART (Reentry: Empowering Successful Todays And Responsible
 Tomorrows) 39
REGISTRY FUNDS: DEPOSIT OF MONEY INTO THE REGISTRY OF THE COURT 39
REQUESTS FOR EXTENSION OF TIME..... 40
REQUESTS FOR HEARING..... 40
SEALED OR IMPOUNDED DOCUMENTS XXXXX..... 40
SECURITY 40
STANDING ORDERS 41
SUMMONS 41
 CIVIL ACTION..... 41
 SERVICE ON U.S. GOVERNMENT 42
SUBPOENA 42
 CIVIL 42
 CRIMINAL 42
SUPERSEDEAS BOND 43
SUPPLEMENTARY PROCESS 43
 FROM AN ACTION FILED IN ANOTHER JURISDICTION 43
 FROM AN ACTION FILED IN THIS DISTRICT 43
 WRIT OF ATTACHMENT 44
 WRIT OF EXECUTION 44
TAXATION OF COSTS 44
TRAINING 45
TRANSCRIPTS..... 46
 ORDERING 46
 TRANSCRIPT REDACTION POLICY 46
APPENDICES 47
 SAMPLE CIVIL DOCKET 48
 COMMON PROCEDURES AND REQUIRED FORMS 50

2013-2018 LEGAL HOLIDAYS AND OBSERVANCES 52
CENTRAL VIOLATIONS BUREAU 53
GLOSSARY OF LOCAL TERMS AND ACRONYMS 55
SEARCH GUIDELINES 57

INTRODUCTION

This handbook is intended to provide the public and the bar of the United States District Court for the District of Massachusetts with information needed to conduct business with the court. We hope that this reference guide will answer any questions that you may have concerning such areas as preparation of documents, federal holidays, addresses and contact information for all sections of the court. We believe that this handbook, when used in conjunction with the Federal Rules of Civil Procedure, the Federal Rules of Criminal Procedure, the Local Rules for the District of Massachusetts and the CM/ECF Administrative Procedures will not only be beneficial to those already familiar with the court, but also to the paralegals, administrative assistants, and pro se litigants who have had little or no contact with the federal court system. Although we have made every effort to provide the most current and accurate information possible, if there is any conflict between this handbook and the Local or Federal Rules of Procedure, then the Rules shall govern.

My staff and I will do everything possible to ensure prompt and efficient service. We are here to answer any questions that you may have, so please feel free to contact us for assistance. We welcome any comments or suggestions for improving this Handbook.

Please forward your comments to our online comment form at www.mad.uscourts.gov.

Sarah Allison Thornton
Clerk of Court

MISSION STATEMENT

We, the staff of the clerk's office, are dedicated to providing access to an impartial forum for the resolution of disputes, through prompt service to the court, members of the bar, and the public. Our services include processing civil and criminal cases, maintaining records, assembling juries, disseminating information on the activities of the court, and providing other administrative and management support to the court and its affiliates.

ALTERNATIVE DISPUTE RESOLUTION

The Alternative Dispute Resolution Act of 1998 requires that each district court authorize the use of Alternative Dispute Resolution (ADR) in all civil actions including adversary proceedings in bankruptcy. 28 U.S.C. § 651 *et seq.*

Parties in all civil cases are encouraged to participate in at least one of the ADR programs that are available through this court. ADR options are designed so that the parties may adopt or adjust an existing program to one which will meet the needs of their dispute. Unless otherwise agreed upon, these programs are non-binding. The parties are not required to accept any results or recommendations. Except for special masters and private providers of ADR services, the programs available through the court are without cost to the participants.

A majority of the cases referred to ADR are assigned to the senior judges and magistrate judges of this court. Documents submitted in conjunction with the ADR process are not part of the record and are not to be filed through CM/ECF. If submitted through the clerk's office, the documents must be identified as ADR-related so that the clerk will not include the filing on the court docket.

Contact: the ADR Program Coordinator at 617-748-9203 FIX

APOSTILLE

In 1981, the United States ratified the Hague Convention Abolishing the Requirement of Legalization for Foreign Public Documents. The purpose of the Hague Convention is to simplify the procedures by which official documents of one country are authenticated for use in another country. The effect of the Convention is to eliminate the chain of certification, replete with red tape and seals, and to substitute a simple, single certification known as an apostille.

In each country adopting the Hague Convention, an office or authority has been designated to certify documents, for the purpose of the Convention, for use in other countries which have also adopted the Convention. Clerks of court and deputy clerks are the officials authorized under the Convention to issue certificates in this country relating to the official records maintained in the District Court.

A [fee](#) is charged for the apostille in accordance with the Judicial Conference Schedule of Fees. The fee for the apostille is added to any fee imposed for copying and certifying the underlying documents.

Contact: the Customer Service staff at 617-748-4223

APPEALS

TO THE COURT OF APPEALS FOR THE FIRST CIRCUIT

The notice of appeal is filed with the district court clerk's office. The filing fee, found on the [fee schedule](#), is paid to the clerk of the district court. The filing party is directed to the website for the [First Circuit Court of Appeals](#) to obtain the Transcript Report/Order Form and Instructions.

The district court clerk's office is responsible for transmitting the appeal and record to the first circuit. The clerk's office generally transmits the record to the court of appeals within twenty one days, unless requested earlier by that court.

Contact: the district court Appeals Coordinator at 617-748-9154

TO THE FEDERAL CIRCUIT COURT OF APPEALS

The federal circuit court of appeals has nationwide jurisdiction in a variety of subject areas including but not limited to international trade, government contracts, patents, trademarks, certain money claims against the United States government, federal personnel, and veterans' benefits.

Notices of appeal to the federal circuit court of appeals are processed by the district court clerk's office in the same manner as notices of appeal to the first circuit court of appeals, except that the federal circuit does not require the transmission of the record from this court.

The [filing fee](#) is the same amount that is due for appeals to the first circuit court of appeals.

Contact: the district court Appeals Coordinator at 617-748-9154

BAIL

CASH

If a cash bail is set as a condition of release, the courtroom deputy clerk will coordinate with the financial office for the payment of the funds. A person depositing funds on behalf of a defendant will also be required to execute an affidavit (available from the clerk's office) regarding the deposit of cash. A deputy clerk, usually from

the financial office, will witness the signing and provide a copy of the affidavit, along with a receipt, to the person depositing the funds.

The affidavit also includes information regarding the procedure to be followed for return of the bail money upon completion of the case

The preferred method of payment for a cash bail is a bank or cashier's check. Payment of bail by cash is not encouraged. Should the clerk's office receive a cash payment over \$10,000, IRS Form 8300 shall be executed and filed with the Internal Revenue Service.

Funds deposited into the Registry of the Court in connection with a criminal proceeding will not be invested without an order of the Court.

Contact: the Financial Manager at 617-748-9134

COLLATERAL OTHER THAN CASH OR REAL PROPERTY

If another form of collateral, other than real property, is set as a condition of release, the courtroom deputy clerk will coordinate the surrender of the security pursuant to established clerk's office procedures. This security, with the approval of the court, may be in the form of (but not limited to): a bank account passbook, certificates of deposit or stock certificates.

An appropriate receipt will be issued to the owner of the collateral by the deputy clerk accepting it.

Contact: the [courtroom deputy clerk](#) assigned to the judicial officer who set the bail

DISCHARGE OF MORTGAGE

Once the criminal case is terminated or the defendant is incarcerated pending trial, the surety who posted the real property may request, by motion, that the bond be exonerated. Upon allowance of the motion, a discharge of mortgage will be prepared by the clerk's office for the clerk's signature. This document must then be filed by the surety with the appropriate registry of deeds.

See Return of Cash Bail (page 6)

Contact: the [docket or courtroom deputy clerk](#) assigned to the presiding judicial officer

REAL ESTATE OR OTHER REAL PROPERTY AS SURETY

Real estate may be posted as security for bail when allowed by the court. Information ([Procedures for Posting of Real Property](#)), and samples of documents ([Escrow Agreement](#) and [Mortgage](#)) are available in the clerk's office and on the court [website](#) detailing the necessary procedures.

In some instances where real property is to be posted as collateral, an [Agreement to Forfeit Property](#) (AO100) is executed by the defendant and sureties/owners of the property. This may be the only document to be executed, at the direction of the presiding judicial officer, for security of the property or it may be executed to allow the defendant to be released while the parties prepare the papers necessary for recording and filing of the mortgage, escrow agreement, and quitclaim deed.

The defendant's attorney shall be required to record the mortgage, and to provide proof of same to the clerk of court after processing (i.e., a copy containing the Registry's filing stamp, book and page number, etc.).

Contact: the [courtroom deputy clerk](#) assigned to the judicial officer who has set bail and/or the conditions of release.

RETURN OF CASH BAIL

Upon disposition of the case a Motion for Release of Bail shall be filed with the court. If a cash deposit is to be returned to someone other than the original depositor, the "assignment of bail" section of the original bail affidavit (signed when the bail was posted) shall be completed, notarized, and filed with the motion.

A refund, in the form of a U.S. Treasury check, should be available within seven (7) working days after receipt of a court order directing release of funds. The refund shall be sent via FedEx or certified mail to the address indicated on the receipt, or the owner may make arrangements to pick up the check at the clerk's office. Photo identification must be presented if the check is picked up in the clerk's office.

Contact: the Financial Office at 617-748-9136

BANKRUPTCY

Matters arising under Title 11 of the United States Code are presented to the bankruptcy court, which routinely adjudicates the issues presented. This automatic reference is made pursuant to 28 U.S.C. § 157(a) and [Local Rule 201](#).

The bankruptcy court website is www.mab.uscourts.gov.

APPEALS TO THE DISTRICT COURT

The district court's jurisdiction over appeals from decisions of the bankruptcy court is created by 28 U.S.C. § 158(a). The notice of appeal from a ruling of a bankruptcy judge shall be filed in the bankruptcy court, along with the filing fee payable to "Clerk, United States Bankruptcy Court."

The appellant must elect, in writing, at the time the notice of appeal is filed, to proceed before the district court on appeal. If no election is made, then the case shall be transmitted to the bankruptcy appellate panel for further proceedings.

If the appellant elects to proceed before this court, the bankruptcy clerk shall transmit the record to the district court clerk's office where it shall be assigned to a judge by random draw, and given a civil action number. Multiple appeals arising from the same bankruptcy action shall be assigned separate case numbers, but shall be assigned to the same district judge, absent an order of the district court.

Contact: the Customer Service office at 617-748-9124

MOTION FOR LEAVE TO APPEAL

A Motion for Leave to Appeal shall be filed in the bankruptcy court. That court will forward the necessary record to the district court clerk's office. The motion for leave to appeal will be assigned a civil action number. Should the motion be allowed, all subsequent papers (including the notice of appeal) shall be filed in that civil action.

Contact: the Customer Service office at 617-748-9124

MOTION FOR STAY PENDING APPEAL

A Motion for Stay Pending Appeal of a Bankruptcy Court Order is filed with the Bankruptcy Court and then transmitted by that court to the district court clerk, who assigns the motion a civil action number. When the appeal is later transmitted to the district court, it is assigned the same case number as the previously filed motion for stay.

NOTE: If the motion is an emergency motion, the original motion is to be filed in the Bankruptcy court with a courtesy copy to the district court.

Contact: the Customer Service office at 617-748-9124

WITHDRAWAL OF REFERENCE

In matters in which a statute provides for trial before a district judge, counsel may request that reference to the bankruptcy court be withdrawn and that the matter be heard in the district court. In that situation, the application or motion is filed with the bankruptcy court, which in turn shall transmit it to the district court. A civil action number shall be assigned and a district judge shall be chosen by random draw. If the district court grants the motion to withdraw the reference, then the case shall proceed in the district court in the usual manner.

Contact: the Customer Service office at 617-748-9124

BAR

ADMISSION FIX

Applications for admission to the bar of this court are available in the clerk's office and on the court website. The application fee, found on the [fee schedule](#), is payable at the time of the admission ceremony. The monthly admissions ceremonies in Boston are usually held within 4-6 weeks of the filing of the application. Ceremonies are also conducted in Springfield and Worcester, usually twice per year.

The requirements for admission to the bar of this court are found in [Local Rule 83.5.1\(a\)](#).

Contact: the Bar Liaison at 617-748-9165

CERTIFICATE OF GOOD STANDING FIX

Requests for a Certificate of Good Standing shall be made to the district court bar clerk. The fee for a certificate is available on the fee schedule. Attorneys may request a Certificate of Good Standing and pay online through CM/ECF. A link may be found by clicking on "Utilities" on the blue CM/ECF menu bar.

NOTE: the CM/ECF login and password for the attorney requesting the Certificate of Good Standing must be used to make the request.

Contact: the Bar Liaison at 617-748-9165

COURTROOM OPPORTUNITIES FOR RELATIVELY INEXPERIENCED ATTORNEYS

[Judge F. Dennis Saylor IV](#), [Judge Timothy S. Hillman](#), and [Judge Denise J. Casper](#) have entered standing orders regarding the appearance of inexperienced attorneys in proceedings before them.

Contact: the [docket or courtroom deputy clerk](#) assigned to the presiding judicial officer

DUPLICATE CERTIFICATE OF ADMISSION

Requests for a duplicate Certificate of Admission shall be made to the district court bar clerk. The fee for a certificate is available on the [fee schedule](#). Attorneys may now request a duplicate Certificate of Admission and pay online through CM/ECF. The link for this service may be found on the "Utilities" menu.

NOTE: the CM/ECF login and password for the attorney requesting the duplicate Certificate of Admission must be used to make the request.

Contact: the Bar Liaison at 617-748-9165

PRO HAC VICE ADMISSION

A motion shall be filed in each case in which an attorney seeks to be admitted *pro hac vice*. The motion shall be signed and filed by a member of the bar of this court who is in good standing, and may not be filed by the attorney seeking admission. The motion must also be accompanied by a certificate stating that the attorney seeking admission is a member in good standing of the bar in every jurisdiction in which he has been admitted to practice. A filing fee is required for each attorney seeking admission. (Refer to [Local Rule 83.5.3](#)). The filing fee may be found on the [fee schedule](#), and is not refundable should the motion be denied.

Contact: the Bar Liaison at 617-748-9165

BILL OF COSTS

The court has adopted a standard for the taxation of bills of costs. A [document](#) itemizing these standards is available on the court website and in the clerk's office.

Contact: the [docket or courtroom deputy clerk](#) assigned to the presiding judicial officer

CAMERAS IN THE COURTROOM PILOT PROJECT

The District of Massachusetts is among fourteen district courts participating in the digital video pilot of the federal judiciary. This pilot project, which became effective October 17, 2011, allows a limited exception to the ban on cameras in the courtroom and broadcasting of district court proceedings. The three year pilot will evaluate the effect of cameras in the courtroom for civil cases.

Proceedings are recorded with the consent of the parties and the approval of the presiding judge. The presiding judge may stop a recording as necessary, for example, to protect the rights of the parties and witnesses.

Recording of the prospective jury during *voir dire* is prohibited, as is that of impaneled jurors or alternate jurors.

Additional [information](#) on this pilot project may be found on the court website.

CASE ASSIGNMENT

Civil and criminal cases are assigned pursuant to the guidelines of [Local Rule 40.1](#), using an automated, random draw system. Local Rule 40.1 divides the assignment system for civil cases into three categories based on the nature of suit selected by the attorney on the [civil cover sheet](#) (JS44) and the [local civil category sheet](#), and into three categories for criminal cases based on the anticipated combined length of trial and motion days.

A magistrate judge shall be selected for every civil case drawn to a district judge, should an order of reference be entered in the future.

Senior district judges have the option to be included in the random draw of all cases, or be limited by nature of suit and category. Senior judges also may choose to be included in the draw for specific periods of time.

The magistrate judges of this court are included in the random draw of civil cases. If a case is randomly assigned to a magistrate judge, the parties shall receive information from the clerk's office regarding the procedures to consent or refuse the magistrate judge's jurisdiction. (See the related General Orders dated [December 4, 2007](#) and [February 2, 2010](#) on the court website.)

Contact: the CM/ECF Analyst (Boston cases) at 617-748-9294
the Clerk's Office (Springfield cases) at 413-785-6800
the Clerk's Office (Worcester cases) at 508-929-9900

CASE FILES

The majority of documents filed since May 2003 have been filed electronically in the court's CM/ECF system and are available through PACER or at the clerk's office through public terminals. Public documents filed on paper, but not scanned into the court's electronic files database, are maintained in the clerk's office where the case is pending and are available during normal business hours.

The clerk's office regularly archives paper files for both civil and criminal cases. Any case closed for three years or more, with no pending appeal or other post judgment issue, is considered eligible for archiving. Paper case files meeting this criteria are boxed and shipped to the Federal Records Center in Waltham, Massachusetts.

There is a fee, found on the court's [fee schedule](#), to retrieve a record from the Federal Records Center or National Archives.

Contact: the Customer Service Staff (Boston cases) at 617-748-4223
the Clerk's Office (Springfield cases) at 413-785-6800
the Clerk's Office (Worcester cases) at 508-929-9900

CASE INFORMATION

The best source of case-specific information is the [docket or courtroom deputy clerk](#) for the judicial officer assigned to the case. If that individual is not available, leave a message on voice mail, and the deputy clerk will return the call as soon as possible.

If the question is urgent, do not hesitate to contact management staff in the [operations section](#) of the clerk's office.

Unless specifically requested to do so, attorneys and the public shall not contact chambers directly.

CASE NUMBERS: WHAT THEY MEAN

A case number is assigned sequentially to every action filed in the court. The case number consists of the office (division) code, year filed, docket type, docket number and judge assignment. For example, 3:13CV30094-MAP is a civil action, filed in 2013, pending in the Western Division and assigned to Judge Michael A. Ponsor.

Criminal case numbers are assigned in the same manner as civil cases, but also may include the defendant number. This number is assigned by the case management system to each defendant in the order in which the defendant was

listed on the charging instrument (complaint, indictment, etc.) This order is not changed by the filing of any superseding charges absent an order of the court. An example of a criminal case number is 1:13CR10234-WGY. An example of a criminal case number including a defendant number is 1:13CR10234-002-WGY.

OFFICE CODES:

- 1 Eastern Division (Boston)
- 3 Western Division (Springfield)
- 4 Central Division (Worcester)

DOCKET TYPES:

- CR Criminal
- CV Civil
- MC Miscellaneous Business Docket (MBD)
- MD Multidistrict Litigation
- MJ Magistrate Judge
- PO Petty Offense

JUDICIAL OFFICERS:

A list of the judicial officers may be found on the court website: [eastern division](#); [central division](#) or [western division](#).

CENTRAL VIOLATIONS BUREAU

The Central Violations Bureau (CVB) is a national center responsible for processing violation notices (tickets) issued and payments received for petty offenses committed on federal property. More information on CVB matters in this court may be found in the appendix of this guide or on the [Central Violations Bureau website](#).

Contact: the Operations Manager at 617-748-4012

CERTIFICATE OF SERVICE

Unless exempt or otherwise ordered by the court, all pleadings and other papers shall be served on other parties by electronic means, through CM/ECF. Any pleading or other paper served by electronic means shall bear a certificate of service in accordance with [Local Rule 5.2\(b\)](#) stating that the document has been filed electronically and that it will be served electronically to registered CM/ECF participants and by sending paper copies to non-registered participants as indicated

on the NEF (Notice of Electronic Filing).

Example:

CERTIFICATE OF SERVICE

I hereby certify that this document(s) filed through the ECF system will be sent electronically to the registered participants as identified on the Notice of Electronic Filing (NEF) and paper copies will be sent to those indicated as non registered participants on (date).

CERTIFICATION OF JUDGMENT

FOR REGISTRATION IN ANOTHER JURISDICTION

To register a judgment of this court in another jurisdiction, a certification of judgment for registration in another jurisdiction (form AO451), issued by this court is required. The fee for issuing a Certification of Judgment is available on the [fee schedule](#).

NOTE: The clerk does not have the authority to issue a certification of judgment if any motion or appeal is pending that may alter or vacate the judgment.

Contact: the [docket or courtroom deputy clerk](#) assigned to the presiding judicial officer.

FOR REGISTRATION IN THIS DISTRICT OF A JUDGMENT ENTERED IN ANOTHER JURISDICTION

To register a judgment from another jurisdiction in this court, obtain a certification of judgment for registration in another jurisdiction (form AO451) from the court in which judgment entered.

Submit that document, with the case [filing fee](#) to the Miscellaneous Business Docket (MBD) clerk in this district for processing.

Contact: the Miscellaneous Business Clerk at 617-748-4232 (Boston cases)
the Clerk's Office (Springfield cases) at 413-785-6800
the Clerk's Office (Worcester cases) at 508-929-9900

CHANGE OF ADDRESS FIX

[See Local Rule 83.5.2.](#)

Attorneys with access to the CM/ECF system are responsible for the maintenance of their contact information (firm, street and e-mail addresses) in the CM/ECF database.

NOTE: Due to system configurations, attorneys may not always be able to change firm and street address information in the ECF database. In that event, please contact the Bar Liaison.

There is no standard form for this document.

Contact: the Bar Liaison at 617-748-9165

CIVIL ACTIONS –NEW, INCLUDING NOTICES OF REMOVAL

New civil actions are filed electronically, through CM/ECF, except for those cases exempted by [Local Rule 5.4](#) (sealed cases, *qui tam* actions). The [filing fee](#) for a new case will be paid through CM/ECF using the Treasury Department's pay.gov service.

Every new civil action shall include a signed complaint or other initiating document, the appropriate filing fee (or an application to proceed *in forma pauperis*, etc.), a [JS44 cover sheet](#) and the court's [local filing category form](#). The two cover sheets are both available on the court website.

Notices of removal are filed electronically, following the same procedures as for any other new civil action. The local category form and national cover sheet are required. The two cover sheets are both available on the court website.

NOTE: The event for Notice of Removal will be found under the Notices menu.

For notices of removal, the clerk's office will update the docket to include plaintiff's counsel (or contact information for a *pro se* plaintiff). The clerk's office will prepare a certified copy of the Notice of Removal, forward the copy to defense counsel, and make an entry on the docket reflecting the same.

CRIMINAL JUSTICE ACT (CJA)

The Criminal Justice Act provides for the furnishing of legal services for indigent defendants by a Federal Public Defender or private counsel from an approved list of panel attorneys pursuant to the Local CJA Plan.

DUTY ATTORNEY (Boston)

The Criminal Justice Act Duty Attorney program provides for the appointment of counsel in criminal cases before defendants are interviewed by Pretrial Services and before an initial appearance is conducted. Under this program, the Federal Defender Office (FDO) and the Criminal Justice Act (CJA) Board each furnish one duty attorney who will be present in the Boston courthouse during business hours, or who are available by telephone and can be present at the courthouse within thirty minutes.

The Federal Defender coordinates the assignment of the daily duty attorney for the FDO while the clerk's office coordinates the assignment of a CJA attorney for each working day. The clerk's office also provides a monthly calendar to court staff, the FDO and Boston CJA attorneys.

Contact: the Bar Liaison at 617-748-9165

PANEL OF ATTORNEYS

For instances in which the Federal Defender is unable to represent an indigent person, the court has established a panel of private attorneys who have indicated a willingness to accept CJA appointments. The Boston panel attorneys are appointed for three year terms that are renewable. The court has separate CJA panels for appointments in each of its offices (Boston, Worcester and Springfield). The terms of those on the panels in Worcester and Springfield are reviewed as necessary.

As part of the [Local CJA Plan](#), the court has established minimum eligibility requirements to become panel members. These requirements are set forth in the Plan and are included in the annual notice soliciting applications for the panel. The [notice and application](#) are available on the court website. A defendant may not choose the counsel who shall provide representation, but may state any objection he or she may have to counsel whose appointment is under consideration. Appointment of counsel may be made retroactive to include representation furnished pursuant to the Plan prior to appointment.

[Requirements](#) for panel membership may be found in the local CJA Plan on the court website.

Applications for the panel are solicited once a year, generally in September. The application period is announced in Lawyers Weekly and on the court website.

Contact: the Financial Manager at 617-748-9134

PAYMENT

[Detailed instructions](#) on completing the CJA vouchers to request payment for services rendered may be found on the court website.

Contact: the CJA Analyst at 617-748-9135

CLERK'S OFFICE LOCATIONS AND HOURS

The District of Massachusetts constitutes one judicial district with three divisions.

The district has its main office in the Eastern Division, in Boston:

<p>BOSTON (Main Office)</p> <p>Hours 8:30AM - 5:00PM Monday - Friday</p> <p>John Joseph Moakley United States Courthouse Suite 2300 1 Courthouse Way Boston, MA 02210</p> <p>Main Number: 617-748-9152</p>

The Central Division has its office in Worcester:

WORCESTER

Hours 8:30AM - 5:00PM
Monday - Friday

Harold D. Donohue Federal Building
595 Main Street - Rm 502
Worcester, MA 01608

Main Number: 508-929-9900

The Western Division has its office in Springfield:

SPRINGFIELD

Hours 8:00AM - 4:30PM
Monday - Friday

Federal Building and Courthouse
300 State Street
Springfield, MA 01105

Main Number: 413-785-6800

CM/ECF

The district court for the District of Massachusetts uses an electronic case filing system (CM/ECF or Case Management/Electronic Case Files system). Attorneys and *pro se* litigants are directed to the [Administrative Procedures Guide](#), found on the court website.

[Local Rule 5.4](#), mandates the use of CM/ECF for the filing of most documents. The following types of documents are exempt from that rule:

- sealed documents;
- *ex parte* motions;
- documents generated as part of an alternative dispute resolution (ADR) process;
- the administrative record for certain administrative proceedings;
- the state court record in proceedings under 28 U.S.C. § 2254; and such other documents as the clerk may direct in the [CM/ECF Administrative Procedures](#).

HELP DESK RESOURCES

The Clerk's Office maintains a CM/ECF Help desk available by telephone or by email. The help desk is staffed every business day between 8:30AM and 4:00PM.

The clerk's office also has created a "[Frequently Asked Questions](#)" page on the court website.

Attorneys are asked to contact the [docket or courtroom deputy clerk](#) assigned to the case's presiding judicial officer with any case-specific questions.

Contact: the Help Desk staff by telephone at 866-239-6233
or by email at ecfhelp@mad.uscourts.gov

COPY REQUESTS

The majority of documents filed on paper since May 2003 have been filed electronically in the court's CM/ECF system, and are available through PACER or at the clerk's office through public terminals.

All requests for documents shall be made in writing to the clerk's office where the case is pending. It is the goal of the clerk's office to fill all requests within 72 hours of receipt.

The charges for a records search or copies of documents are available on the court's [fee schedule](#).

The Administrative Office of the United States Courts has set specific guidelines, available in the appendix, for all such records searches.

Contact: the Customer Service Staff (Boston cases) at 617-748-4223
the Clerk's Office (Springfield cases) at 413-785-6800
the Clerk's Office (Worcester cases) at 508-929-9900

CORPORATE DISCLOSURE STATEMENT

[Local Rules 7.2](#) requires that all non-governmental, corporate parties to a civil action or criminal proceeding in this court shall file (through CM/ECF) a statement identifying any parent corporation and any publicly held company that owns 10% or more of the party's stock.

COURT CALENDAR (DAILY DOCKET)

The court calendar (daily docket) is generated by the clerk's office for hearings scheduled for the current and next business day. Each office's calendar is available on the court website, in the clerk's office and posted throughout each courthouse.

The calendar posted on the court's [website](#) is automatically updated throughout the day to reflect changes in the court schedule. Calendars for the current day posted on bulletin boards throughout each courthouse may not reflect these changes.

Questions regarding scheduled or canceled hearings should be addressed to the [courtroom deputy or docket clerk](#) for the presiding judicial officer.

COURT DIRECTORY

A [telephone directory](#) of all clerk's office personnel is available in the clerk's office and on the court website. The directory is updated quarterly.

COURT REPORTERS

An official court reporter is assigned to each district judge. The court reporter supervisor coordinates coverage. The [rates](#) are available on the court website.

See also, Transcript Redaction Policy and Transcripts - Ordering (page 48)

Contact: the Court Reporter Supervisor at 617-748-9167

DEFAULT JUDGMENT: STANDING ORDER

The clerk's office may enter a Standing Order Regarding Motions for Default Judgment following the issuance of a notice of default. A sample copy of the [Standing Order](#) may be found on the court website.

DISCOVERY DOCUMENTS

As a matter of course, discovery (requests for production, requests for admissions and answers to interrogatories) shall not be filed with the district court except in relation to a motion or other proceedings.

THE DOCKET SHEET

All dockets for all cases in the district court are maintained in the CM/ECF (Case Management/Electronic Case Files) database. The information in that database is used by the court for case management, calendaring and statistical reporting. Case information is available to the public through the PACER system and the dockets on that site are updated as soon as the CM/ECF docket is updated.

A sample docket may be found in the appendix of this guide.

THE FACE OF THE DOCKET

At the top of the civil docket is the basic case information: current judge assignment, any pending magistrate judge referral, filed date, cause of action (United States Code and section) and jury demand. The top right corner of the docket may include words or abbreviations, referred to by the clerk's office as "flags." Flags include "CLOSED," MAGREF (pending referral to a magistrate judge), APPEAL, PRIOR (criminal cases only - this shows that the case started as a complaint prior to indictment) and ADR (civil cases only - referred to Alternate Dispute Resolution).

A complete list of the flags used by this court and their definitions may be found on the CM/ECF login screen under the link for "Court Information."

The next part of the docket sheet includes the parties and attorneys. Each party is listed on the front page(s) of the docket, including any alias information. Other identifying or descriptive information regarding specific parties, such as "individually and in his official capacity" is included there.

Listed next to each party (in both civil and criminal cases) is the name and contact information of any attorney who has made an appearance for that party.

“LEAD ATTORNEY” is a designation made by counsel upon the filing of his or her notice of appearance.

“ATTORNEY TO BE NOTICED” must appear on the face of the docket, for each attorney, so that the CM/ECF system will generate an email notice for each entry. When filing the notice of appearance, counsel are warned not to remove the check mark from the “Notice” box.

CRIMINAL CASES

In criminal matters, other non-defendant parties are added to the docket when necessary. An individual or entity filing a motion in a criminal case would be added to the docket as an interested party or movant.

Should proceedings arise in a criminal case involving a material witness, that person is added to the docket as a material witness, and related proceedings docketed in that criminal action.

E-GOVERNMENT ACT OF 2002

The “E-Government Act of 2002,” Pub. L. No. 107-347, requires that all federal agencies protect sensitive information in public documents.

In compliance with [Local Rule 5.3](#), sensitive information should not be included in any document filed with the court unless such inclusion is necessary and relevant to the case. Documents filed electronically, unless filed under seal or otherwise protected, shall be made available over the Internet via PACER. If sensitive information must be included, certain personal data identifiers must be partially redacted from the pleading whether it is filed on paper or electronically including social security numbers, financial account numbers, dates of birth, and the names of minor children.

a. **Social security numbers.** If an individual’s social security number must be included in a pleading, then only the last four digits of that number should be used.

b. **Names of minor children.** If the involvement of a minor child must be mentioned, then only the initials of that child should be used.

c. **Dates of birth.** If an individual's date of birth must be included in a pleading, then only the year should be used.

d. **Financial account numbers.** If financial account numbers are relevant, then only the last four digits of these numbers should be used.

e. **Home address.** (in criminal cases only) If a home address is required, then use only the city and state.

CM/ECF includes a reminder on the login screen to all filers (attorneys and *pro se* litigants) regarding the requirements of Fed.R.Civ.P. 5.2 and Fed.R.Crim.P. 49:

“IMPORTANT NOTICE OF REDACTION RESPONSIBILITY: All filers must redact: Social Security or taxpayer-identification numbers; dates of birth; names of minor children; financial account numbers; and, in criminal cases, home addresses, in compliance with Fed. R. Civ. P. 5.2 or Fed. R. Crim. P. 49.1. This requirement applies to all documents, including attachments. I understand that, if I file, I must comply with the redaction rules. I have read this notice.”

See also Transcript Redaction Policy (page 48) and Redaction of Hidden Text and Metadata (page 40)

ELECTRONIC DEVICES AND PHOTOGRAPHIC EQUIPMENT

Persons other than attorneys and the media wishing to bring electronic devices and photographic equipment into the courthouse for use in court proceedings may complete the authorization form found on the court [website](#). The completed form should be forwarded to the courtroom deputy clerk assigned to the presiding judicial officer for approval, at least two days prior to the scheduled proceeding. If approved, that deputy clerk will sign the form and deliver it to the court Security Officers.

Members of the media may apply for a [Media ID Card](#). Holders of a media ID card are permitted to bring electronic devices (but not cameras) into the Moakley courthouse.

Contact: the [docket or courtroom deputy clerk](#) assigned to the presiding judicial officer

EMERGENCY BUSINESS

DURING NORMAL BUSINESS HOURS

One district judge and one magistrate judge are assigned to hear emergency business for the court at all times, usually for a month at a time. The clerk's office will not disclose the name of the emergency judge until such time as an emergency matter is filed.

Any emergency business arising from an existing civil or criminal matter is first brought to the attention of the judge assigned to the case. If the assigned judge is not available, the clerk's office, when appropriate, may refer it to the emergency judge. Any new civil action involving an emergency matter will first be assigned by random draw to a judicial officer.

New criminal complaints and arrests on probable cause are brought before the emergency magistrate judge. An arrest on an indictment or pending complaint is brought before the magistrate judge assigned to the case at the time of filing.

OUTSIDE OF BUSINESS HOURS

The clerk's office has established procedures to accommodate emergency matters that may occur during non-business hours.

See the court [website](#) for additional information.

Contact: the manager on emergency duty at 617-851-1813

EX PARTE DOCUMENTS

All *ex parte* documents are to be filed on paper with the clerk's office. The documents are to be clearly labeled as "ex parte."

EXEMPLIFICATION CERTIFICATES

Exemplification certificates are issued to certify that an attached copy is a full, true and correct copy of an original document on file with the court, but differ from the routine certifications in that they also are verified by a judge and the clerk of court. The clerk signs to certify that the document is a full, true and correct copy. A judge certifies that the certificate is in order and that the signature above is that of the clerk. The clerk signs again, this time to certify that the signature above is that of the judge. The clerk affixes the seal of the court.

A [fee](#) is charged for the exemplification in accordance with the Judicial Conference Schedule of Fees in district courts, pursuant to 28 U.S.C. §1914.

Contact: the Customer Service Staff (Boston cases) at 617-748-4223
the Clerk's Office (Springfield cases) at 413-785-6800
the Clerk's Office (Worcester cases) at 508-929-9900

EXHIBITS: TRIAL

Trial exhibits are maintained by the clerk's office during the trial. The courtroom deputy clerk shall return the exhibits to the appropriate party at the conclusion of the trial and will make an entry on the court docket reflecting same. If and when needed by the court of appeals, counsel shall be notified and asked to submit the exhibits directly to the court of appeals. See [Local Rule 79.1](#).

See Jury Evidence Recording System (page 32)

FEDERAL PUBLIC DEFENDER

The Federal Public Defender Organization has local headquarters in Boston, Massachusetts, and is responsible for rendering defense services on appointment throughout the District of Massachusetts pursuant to the Criminal Justice Act (CJA) 18 §3006A and the Local CJA Plan. The Federal Defender will be appointed to represent an indigent person in the first instance unless that office represents another defendant in a multi-defendant case, if there is a conflict of interest, or if for some other reason the Federal Defender determines that that office is unable to accept an appointment.

The Federal Defender Organization has satellite locations in New Hampshire and Rhode Island.

Contact: the Federal Defender Office at 617-223-8061

FEDERAL RECORDS CENTER

The records for the District of Massachusetts are archived at the Federal Records Center in Waltham, Massachusetts.

The National Archives and Records Administration (NARA) Northeast Region-Boston Federal Records Center in Waltham no longer provides on-site civil and criminal court case review services to the public. Customers seeking to review civil

and criminal court cases will need to contact the clerk's office to arrange to review the case file at the courthouse.

NARA will continue to provide copies of civil and criminal court case files directly by fax, mail and scan order services. Public customers may contact the NARA research room staff at 781-663-0378, Monday, Wednesday, and Friday (excluding federal holidays) between 8:00am to 2:00pm.

Customers seeking to review archived civil and criminal court cases will need to contact the court directly to arrange to review the case file at the court. A [fee](#) will be assessed.

Contact: the Customer Service staff (Boston cases) at 617-748-4223
Clerk's Office (Springfield cases) at 413-785-6800
Clerk's Office (Worcester cases) at 508-929-9900

FEES

A schedule of [fees](#) is available in the clerk's office and on the court website. These fees are set by the Judicial Conference.

ACCEPTABLE FORMS OF PAYMENT

Acceptable forms of payment are cash, cashier's/bank checks, money orders, personal checks and credit cards. Checks must be issued by an FDIC insured bank, an FSLIC insured savings and loan association, or a federally-insured bank or credit union and made payable to "Clerk, U.S. District Court." Instruments made payable to a third party that are endorsed to "Clerk, U.S. District Court" shall not be accepted. Certified checks and foreign currency are not acceptable.

The Boston clerk's office accepts credit cards as a means of payment for all filing fees and other miscellaneous court fees. The court will accept cards from American Express, Discover Card, MasterCard and VISA. MasterCard and VISA debit cards that do not require a PIN number also may be used.

Credit cards are not accepted for criminal debt and bail payments.

Contact: the Financial Manager at 617-748-9134

PAY.GOV

[Local Rule 67.4](#) requires all registered CM/ECF users to pay case-related fees electronically through pay.gov.

Pay.gov is a web-based application allowing CM/ECF-registered users to pay case-related fees by credit card. Pay.gov uses 128-bit SSL encryption to protect transaction information.

Case related fees (complaints and notices of removal, notices of appeal, and motions to appear *pro hac vice*) are to be paid via credit card through the court's CM/ECF system using pay.gov.

If the case-related fee is not paid through the CM/ECF system when the document is entered, the clerk's office will notify counsel to pay the fee electronically. Counsel must prepare a PDF document titled "[notice of filing fee payment](#)," found on the court website, and then enter that document into CM/ECF paying the fee using pay.gov.

FILING BY FAX OR EMAIL

The Judges of this court have directed the clerk of court not to accept filings by facsimile or email.

FORM AND SIGNING OF PAPERS

The provisions of the Federal Rules of Civil Procedure pertaining to the form and signing of pleadings, motions, and other papers shall be applicable to all papers filed in any proceeding in this court.

See [Local Rule 5.1](#).

Attorneys filing documents electronically are referred to the court's [CM/ECF Administrative Procedures Guide](#).

FORMS

Many of the [forms](#) required by this court are available on the court website.

A list of common procedures and the forms required may be found in the appendix to this handbook.

GENERAL COURT ORDERS

As necessary, the court will enter a General Order, usually on topics that will affect the entire district.

These [orders](#) are posted on the court's website.

INCLEMENT WEATHER

The clerk's office may close for business in the case of severe inclement weather. This decision is made before 6:00AM whenever possible.

Information about the clerk's office and the court schedule in the event of inclement weather is available on the court [website](#) and by phone at 617-748-9152 (menu option 1).

Litigants are encouraged to contact the [docket or courtroom deputy clerk](#) assigned to the case's presiding judicial officer for answers to any scheduling questions.

INDICES

CIVIL: All dockets for civil cases pending or filed on and after January 1, 1990 may be found in the CM/ECF database. The public may request these dockets from the clerk's office or access them through [PACER](#).

Civil cases filed prior to January 1, 1990 are on paper dockets and are housed at the Federal Records Center in Waltham, Massachusetts. (Depending on the status of the case on January 1, 1990, the case may also be on the CM/ECF database.)

CRIMINAL: All dockets for criminal and magistrate cases filed on or after June 1, 1991 may be found in the CM/ECF database. The public may retrieve these dockets using the public terminals found in the clerk's office, or through PACER.

The dockets for any criminal or magistrate case filed between January 1, 1982 and June 1, 1991 are available on microfiche. Fiche readers/printers are available in the clerk's offices in all three offices.

Any criminal or magistrate cases filed prior to January 1, 1982 are on paper dockets and are housed at the Federal Records Center.

Cases filed from the early 1900s through 1979 are identified on index cards and have been archived to the Federal Records Center.

Contact: the Customer Service staff (Boston cases) at 617-748-4223
the Clerk's Office (Springfield cases) at 413-785-6800
the Clerk's Office (Worcester cases) at 508-929-9900

INTEREST RATES:

POST-JUDGMENT

Interest is allowed on most money judgments entered in the federal courts from the date of judgment until the judgment is satisfied (paid). The rate used in calculating the amount of post-judgment interest is the weekly average one-year, constant maturity (nominal) Treasury yield, as published by the Federal Reserve System.

CURRENT APPLICABLE RATES

The current rate applicable is provided by the Federal Reserve and published each Monday for the preceding week (unless that day is a holiday, in which case the rate is published on the next business day). The [current rates](#) are available on the US Courts website (www.uscourts.gov).

RATES PRIOR TO DECEMBER 21, 2000

[Rates prior to December 21, 2000](#) were based on the average accepted auction price for the latest auction of 52 week T-bills and are also available on the US Courts website.

PRE-JUDGMENT

Pre-judgment interest rates apply only when ordered by the judge in accordance with the applicable law. The interest rates and rules for the Commonwealth of Massachusetts apply. The amount of pre-judgment interest must be included in the judgment to be included in the Writ of Execution.

Contact: the [docket or courtroom deputy clerk](#) assigned to the presiding judicial officer.

INTERNET ACCESS IN THE COURTROOM (Moakley Courthouse only)

Access to the Internet is available to counsel in all courtrooms in the Moakley courthouse in Boston from the court's licensed provider, Courtroom Connect.

Use of this service is subject to approval of the presiding judicial officer. To obtain authorization, complete the [form](#) found on the court website. Submit the completed form to the courtroom deputy for the case at least seven (7) days prior to the scheduled proceeding. A list of the [courtroom deputies](#), by judge, may be found on the court website.

Contact: Courtroom Connect at 877-838-9067

INTERPRETERS

The district court does not employ any interpreters as full-time employees.

The clerk's office maintains a list of contract interpreters who may be hired for civil court proceedings. Interpreters must successfully pass a background check and have a current contract on file with the clerk's office.

Interpreters needed for in-court criminal proceedings are hired at the court's expense. Any other interpreter services provided for an indigent criminal defendant are paid through Criminal Justice Act funds, after the allowance of the appropriate motion.

Contact: the Property/Procurement Administrator at 617-748-9079

JUDICIAL MISCONDUCT

The Rules and Forms for Judicial Conduct and Judicial Disability Proceedings were promulgated by the Judicial Conference of the United States, after public comment, pursuant to 28 U.S.C. §§ 331 and 358, to establish standards and procedures for addressing complaints filed by complainants or identified by chief judges, under the Judicial Conduct and Disability Act, 28 U.S.C. §§ 351-364.

The [rules](#) may be found on the court website.

Any complaint shall be filed with the Office of the Circuit Executive:

John Joseph Moakley U.S. Courthouse
1 Courthouse Way, Suite 3700
Boston, MA 02210

JURISDICTION

[Local Rule 40.1 \(C\)](#) - Designation of Divisions states:

The District of Massachusetts constitutes one judicial district comprising three divisions.

(1) *Eastern Division*

The Eastern Division of the District of Massachusetts comprises the counties of Barnstable, Bristol, Dukes, Essex, Middlesex, Nantucket, Norfolk, Plymouth, and Suffolk. Cases assigned to the Eastern Division and all pleadings and documents therein shall be filed in the Clerk's office in Boston.

(2) *Central Division*

The Central Division of the District of Massachusetts is Worcester County. Cases assigned to the Central Division and all pleadings and documents therein shall be filed in the Clerk's office in Worcester.

(3) *Western Division*

The Western Division of the District of Massachusetts comprises the counties of Berkshire, Franklin, Hampden and Hampshire. Cases shall be assigned to the Western Division and all pleadings and documents filed on paper therein shall be filed at the Clerk's office in Springfield.

JURY EVIDENCE RECORDING SYSTEM (JERS)

This district utilizes an automated system that allows evidence admitted during trial to be viewed electronically on a touch screen monitor in the jury deliberation room upon the conclusion of the trial, during deliberations.

Attorneys of record will be given an opportunity to review the exhibits at the conclusion of testimony and evidence. Court personnel, at the judge's direction, will release exhibits to the jury as deliberations begin.

JERS has the ability to:

- Store all exhibits submitted prior to trial, and then designate just those admitted into evidence;
- Capture, through the courtroom presentation equipment, exhibits that were not submitted prior to trial but later admitted by the court; and
- Print a list of the exhibits, by number and by description that has been released to the deliberating jury.

A [notice](#) with additional information may be found on the court website.

JURY INFORMATION

FOR ATTORNEYS

Pursuant to the Jury Selection and Service Act of 1968, as amended, 28 U.S.C. §1863, the court adopted a Plan for Random Selection of Jurors, effective March 1, 2007, and revised effective March 3, 2009.

A copy of the [Jury Plan](#) is available on the court website.

Contact: the Jury Administrator at 617-748-9082

FOR JURORS

The court [website](#) includes detailed information on federal jury service including information on failure to report and job protection.

Contact: the Jury Administrator at 617-748-9082

LEGAL HOLIDAYS AND OBSERVANCES

There are ten federal holidays each year. If a holiday falls on a Saturday, the clerk's office is closed on Friday. If the holiday falls on a Sunday, the office is closed on Monday. A list of the holidays and/or observances for the next six years may be found in the appendix to this guide.

LENGTH OF MEMORANDA

[Local Rule 7.1\(b\)\(4\)](#) states: "Memoranda supporting or opposing allowance of motions shall not, without leave of court, exceed twenty (20) pages, double-spaced."

The court's CM/ECF system limits the size of each PDF file to 7 MB. This does not supersede the limitations set by [Local Rule 7.1](#).

LIENS

ABSTRACTS OF JUDGMENT

An abstract of judgment is a lien against the property of a defendant following entry of a judgment in a civil or criminal case.

Pursuant to 18 U.S.C. § 3613(c) a fine or an order of restitution imposed pursuant to the provisions of subchapter C of chapter 227 is a lien in favor of the United States upon all property belonging to the person fined or ordered to pay restitution. Pursuant to 18 U.S.C. § 3613(d), a notice of lien shall be considered a notice of lien for taxes for the purposes of any State or local law providing for the filing of a tax lien. The lien arises at the time of the entry of judgment and continues until the liability is satisfied, remitted, or set aside, or until it becomes unenforceable pursuant to 18 U.S.C. § 3613(b).

The abstract of judgment is filed with the clerk's office, assigned a number, and entered into a database maintained by this office. A report will be generated for the public upon request.

Contact: the [docket or courtroom deputy clerk](#) assigned to the presiding judicial officer.

INTERNAL REVENUE SERVICE

The district court clerk's office is the filing office for tax liens levied in the Commonwealth of Massachusetts by the Internal Revenue Service. The IRS

provides computer access to their database by installing a public terminal in the district court clerk's office in Boston, allowing the public and the bar access to search for and review tax lien information.

The clerk's office does not maintain the information contained in the IRS tax lien database.

Contact: the Customer Service staff at 617-748-4223

OTHER

Other federal agencies, such as the Pension Benefit Guarantee Corporation, may file a lien with this court. (NOTE: These liens are filed on paper). The customer service office in Boston shall record these liens, and any subsequent releases, in a log that will be made available for review upon request.

Contact: the Customer Service Staff at 617-748-4223

LOCAL RULES

The [Local Rules](#) of the district court are available on the court website.

MEDIA ACCESS

Members of the media may apply for a [Media ID Card](#). Holders of a media ID card are permitted to bring electronic devices (but not cameras) into the Moakley courthouse.

The non-transferable Media Identification Card provides an exception to the Court's Policy regarding Electronic Devices. A valid Media Identification Card will entitle an individual to bring to a courtroom a laptop with a silent keyboard and/or a cell phone that must be off or in silent mode while in a courtroom. All Media Identification Cards will be subject to the provisions of Local Rule 83.3 that prohibits photographing, recording and broadcasting.

Read-only Electronic Case Filing (ECF) accounts (known as a Virtual Press Box or VPB) are available to members of the press with a Media ID issued by this court. This expanded access to the court's ECF system enables a reporter to receive e-mail notifications to their individual e-mail account when a document is filed in a case that he or she may choose to follow. [Additional information](#) may be found on the court website.

MEDICAL RECORDS

Medical records shall not be filed electronically.

Medical records subpoenaed as part of an existing case shall be held in the custody of the courtroom deputy clerk for the judicial officer assigned to the case. The records shall be made available to counsel at the time of trial and returned to counsel at the conclusion of the trial or other proceedings. Any medical records not retrieved by counsel at the conclusion of a case shall be destroyed by the courtroom deputy clerk.

MISCELLANEOUS BUSINESS DOCKET

Miscellaneous Business Docket (MBD) numbers are assigned to a variety of matters filed with the court that are not considered typical civil or criminal cases, including administrative matters that require resolution through the judicial system. These matters, however, may be directly or indirectly related to a civil or criminal case.

Some examples of MBD matters in this district include:

- Administrative Subpoenas or Summons
- Applications to Perpetuate Testimony
- Internal Revenue Service Third Party Record Keeper Actions
- Motions to Compel Testimony before the Grand Jury
- Motions to Quash Grand Jury Subpoena
- Motions for Return of Seized Property
- Proceedings against Sureties

MBD matters arising from cases pending in another jurisdiction include:

- Letters Rogatory
- Motions to Compel Testimony (deposition)
- Motions for Protective Order
- Motions to Quash Deposition Subpoena
- Receiverships
- Registration of Judgment from another district

The fee for filing an MBD matter is found on the [fee schedule](#).

Contact: the MBD Clerk (for new filings in Boston) at 617-748-4232, or the [docket or courtroom deputy](#) assigned to the presiding judicial officer

once a docket number and judge are assigned to the case; or the Clerk's Office (Springfield cases) at 413-785-6800 the Clerk's Office (Worcester cases) at 508-929-9900

MULTIDISTRICT LITIGATION

The Judicial Panel on Multidistrict Litigation, known informally as the MDL Panel, was created by an Act of Congress in 1968 (28 U.S.C. § 1407). The Panel is responsible for (1) determining whether civil actions pending in different federal districts involve one or more common questions of fact such that the actions should be transferred to one federal district for coordinated or consolidated pretrial proceedings; and (2) selecting the judge or judges and court assigned to conduct such proceedings.

The purpose of this transfer or "centralization" process is to avoid duplication of discovery, to prevent inconsistent pretrial rulings, and to conserve the resources of the parties, their counsel and the judiciary.

The MDL Panel consists of seven sitting federal judges who are appointed to serve on the Panel by the Chief Justice of the United States.

Additional information from the MDL Panel may be found on the panel website at www.jpml.uscourts.gov and the District of Massachusetts [website](#).

Contact: the district court MDL Liaison Clerk at 508-929-9901

NATURALIZATION

Most questions regarding immigration and naturalization matters should be addressed to the USCIS office at 800-375-5283. [Frequently asked questions and answers](#) regarding immigration and naturalization proceedings are available on the court website.

See the website for the US Citizenship and Immigration Services (USCIS) at www.uscis.gov.

Contact: the Procurement Assistant at 617-748-9081

OPINIONS SEARCH

The court website has a [search engine](#) to retrieve opinions issued by the judges of this court. Users may search for all recent opinions, search for a specific judge or

search by key words.

PACER

PACER (Public Access to Court Electronic Records) is an electronic public access service that allows users to obtain case and docket information from federal appellate, district and bankruptcy courts, and from the PACER Case Locator. Electronic access to most courts is available by registering with the PACER Service Center, the judiciary's centralized registration, billing, and technical support center at <http://www.pacer.gov/>.

Information from the official public docket is available through PACER immediately after it has been entered into CM/ECF.

PACER CASE LOCATOR

The PACER Case Locator is a national locator index for PACER systems in the United States' appellate, district, and bankruptcy courts. Subsets of data are collected from each court and transferred to the PACER Service Center nightly. The PACER Case Locator allows searches by party name or social security number in the bankruptcy index, party name or nature of suit in the civil index, defendant name in the criminal index, and party name in the appellate index. The information provided by the search will include the party name, the court where the case is filed, the case number, and the filing date.

A link to the [PACER Case Locator](#) is posted on the court website.

PRESENTATION EQUIPMENT

This court has installed evidence presentation equipment in courtrooms in Boston, Springfield and Worcester. These courtrooms offer the bar the opportunity to present cases using technology such as video-teleconferencing, a document presentation system, integrated CD-ROM, video and audio capability, and real time transcription.

Contact the [courtroom deputy clerk](#) for the presiding judicial officer at least one (1) week in advance of the scheduled hearing or trial if the presentation equipment is needed. If training is needed on using the presentation equipment, the courtroom deputy clerk will coordinate with the court's Information Technology office. Please note that counsel is responsible for providing any necessary laptops or other computer equipment.

PRO BONO PROGRAM

The court's *pro bono* program has been in operation since 1982. The program secures volunteer attorneys to represent indigent litigants in civil cases when allowed by the court, and is coordinated by the Lead *Pro Se* Staff Attorney.

The *pro bono* program continues to be an excellent means by which lawyers can meet their professional obligation to provide *pro bono* services and gain meaningful experience in federal court. Attorneys who accept appointment as *pro bono* counsel in the court have the opportunity to develop significant case management, discovery, motion practice, and trial skills.

Every year, the court grants an average of ten motions for appointment of counsel filed by *pro se* litigants in civil actions. The court's *Pro Bono* coordinators circulate the list of cases available for appointment of *pro bono* counsel among attorneys who have expressed an interest in the program. While most of the cases approved for the appointment of *pro bono* counsel are brought by prisoners, there is also a need for *pro bono* representation in non-prisoner actions.

The court may reimburse *pro bono* attorneys up to \$5,000 per case for expenses. See the court website for [guidelines](#) covering reimbursements.

Contact: the Lead *Pro Se* Staff Attorney at 617-748-9559

PRO BONO MEDIATION PROGRAM

The Federal Bar Association's Massachusetts Chapter, with the support of the district court, has created a *pro bono* mediation program in which attorneys may volunteer to represent *pro se* litigants in the mediation of their case. The volunteer attorney files a notice of limited appearance for purposes of the mediation only. At the conclusion of the mediation, the *pro bono* attorney files a notice of withdrawal.

Contact: Matthew Moschella, President, Federal Bar Association, at mcmoschella@sherin.com

PRO SE LITIGATION

The clerk's office has prepared a separate handbook, Step-by-Step, for individuals proceeding *pro se*. This [guide](#) is available on paper from the clerk's office and on the court website.

Contact: the Customer Service Staff at 617-748-4223

QUALITY ASSURANCE

The clerk's office has an active quality assurance program. It is the responsibility of the clerk's office to review the entries made in the CM/ECF system and make any necessary corrections.

CM/ECF users should contact the [docket or courtroom deputy clerk](#) for the assigned judicial officer if an error is made during the entry of a document. Please do not file the document again unless specifically directed to do so by the clerk's office.

Contact: contact the [docket or courtroom deputy clerk](#) for the assigned judicial officer OR
the CM/ECF Help Desk at 866-239-6233
or by email at ecfhelp@mad.uscourts.gov

QUI TAM (WHISTLE BLOWER OR FALSE CLAIM ACT) CASES

Qui tam (or whistle blower or False Claims Act) cases filed pursuant to 31 U.S.C. § 3729 are, by statute, sealed without the need for a motion to seal or impound. Complaints and all subsequent documents filed with the court, until such time that the court may unseal the case, are to be filed on paper and clearly labeled as "UNDER SEAL."

REDACTION OF HIDDEN TEXT AND METADATA

Attorneys and *pro se* litigants are advised to take extra care when creating Portable Document Format (PDF) documents for submission to the court's Electronic Case Files (CM/ECF) system. Steps must be taken to ensure that the documents are free of any hidden data which may contain redacted information, or that traces of information that has been edited or deleted is not hidden in the final document. Be warned that even PDF content that has been encrypted may be recovered.

A [document](#) with additional information may be found on the court website.

REENTRY PROGRAMS

CARE (Court Assisted Recovery Effort)

The CARE program (Court Assisted Recovery Effort) is a locally developed pilot program to aid probationers. This program affords the court the ability to actively oversee defendants under the supervision of the Probation Office. The program is one of the first of its kind in a federal court in the United States. CARE aims to decrease recidivism and help persons convicted of crimes by combating drug addiction through a unique partnership among various participants in the criminal justice system.

RESTART (Reentry: Empowering Successful Todays And Responsible Tomorrows)

RESTART (Reentry: Empowering Successful Todays And Responsible Tomorrows) is a voluntary program for high risk ex-offenders presently on supervised release. Successful completion of the program results in a one year reduction in the time that a participant is sentenced to supervised release. In order to graduate from RESTART a participant must have fifty two (52) weeks of compliance in the program and supervised release.

REGISTRY FUNDS: DEPOSIT OF MONEY INTO THE REGISTRY OF THE COURT

No money may be sent to the court or its officers for deposit into the court's registry without a court order by the presiding judge in the case or proceeding. All money ordered to be paid to the court or received by its officers in any case pending or adjudicated shall be deposited with the Treasurer of the United States in the name and to the credit of this court pursuant to 28 U.S.C. § 2041 through depositories designated by the Treasury to accept such deposit on its behalf. The party making the deposit or transferring funds to the court's registry shall serve the order permitting the deposit or transfer on the clerk of court.

Funds on deposit with the court in civil matters will be placed in interest-bearing instruments in the Court Registry Investment System (CRIS) administered by the Administrative Office the United States Courts which is the only investment mechanism authorized.

See [General Orders 11-01 and 11-02](#) and [Local Rule 67.2](#)

Contact: the Financial Manager at 617-748-9134

REQUESTS FOR EXTENSION OF TIME

The court shall entertain motions to extend time on a case-by-case basis.

All requests for extension of time shall be filed as a motion.

Contact: the [docket or courtroom deputy clerk](#) assigned to the presiding judicial officer

REQUESTS FOR HEARING

Every judge of this court maintains his or her own calendar (daily docket), generally through his or her courtroom deputy clerk. Requests for a hearing, conference, or other court proceeding shall be made in writing and filed electronically through the court's CM/ECF system.

Contact: the [docket or courtroom deputy clerk](#) assigned to the presiding judicial officer

SEALED OR IMPOUNDED DOCUMENTS XXXXX

SEALED AND/OR IMPOUNDED DOCUMENTS MAY NOT BE FILED ELECTRONICALLY.

Qui tam cases and actions involving grand jury proceedings are automatically sealed, by statute.

Attorneys wishing to file any other cases or documents shall follow the provisions of [Local Rule 7.2](#).

Motions to seal must meet the requirements of [Local Rule 7.2](#).

The court will not enter blanket impoundment orders. A motion for impoundment or motion to seal shall be presented each time a document is to be filed under seal.

SECURITY

The United States Marshal is the chief of security for all federal courthouses and enforces a strict security policy for all persons entering those facilities.

Upon entering the courthouse, all individuals are required to present proper identification, and to pass through security screening stations using magnetometers

or other necessary screening equipment. Please be sure to allow extra time if arriving during peak hours (between 8:00 a.m. and 9:30 a.m., and between 12:30 p.m. and 2:30 p.m.).

The general public is not allowed to bring liquids, cell phones and other electronic devices past the security check point.

Attorneys who present a valid bar card from any jurisdiction, together with two valid forms of identification, at least one with a photograph, are permitted to bring PDA's, laptop computers, and cellular telephones into the courthouse for business use. Attorneys carrying these items shall be required to submit them for x-ray and such other examination as deemed appropriate by court security personnel. Laptop computers with silent keyboards may be used in the courtroom with the prior permission of the presiding judge.

Members of the media may apply for a [Media ID Card](#). Holders of a media ID card are permitted to bring electronic devices (but not cameras) into the Moakley courthouse.

The court security officers will check electronic equipment at the main entrance. The Courthouse Security Committee and the United States Marshal have issued a policy regarding electronic devices. The [policy](#) may be found on the court website.

STANDING ORDERS

As appropriate, the judges of this court will enter standing orders or other documents on procedures to be followed in cases before the court. Standing orders and other documents may be found on the court website on the individual page for each judge.

NOTE: Unlike general orders of the court, standing orders are specific to the judge – not to the court as a whole.

SUMMONS

CIVIL ACTION

The clerk's office will issue a summons for every new civil case (where appropriate) through the Electronic Case Files (CM/ECF) system. The summons will include the case title, the docket number, court seal and electronic signature and shall be sent to the plaintiffs/attorneys. The summons form will be attached to the "Summons Issued" docket entry and a link to the form will be included in the Notice of

Electronic Filing (NEF).

Prior to service of the summons, the required information (the name and address of each defendant and the attorney/party to be served with the answer) shall be added to the summons form for each defendant by the plaintiff.

For those plaintiffs/attorneys who do not receive notices of electronic filing (i.e., those not yet registered to use CM/ECF), a summons form will be mailed using conventional means.

The civil complaint shall be served as directed in Rule 4 of the FRCvP.

SERVICE ON U.S. GOVERNMENT

If the U.S. Government, or an agency or employee thereof (acting in an official capacity) is named as a defendant in a complaint, then at least three (3) summonses shall be served for that one party. See Rule 4(l) of the FRCvP.

The following agencies shall be served with a summons and a copy of the complaint:

- The agency (and any individuals) named in the complaint;
- The United States Attorney's office; and
- The United States Attorney General

NOTE: the United States Attorney and the United States Attorney General do not need to be named as parties in the case to be served.

SUBPOENA

CIVIL

Pursuant to Rule 45 of the FRCvP, it is no longer necessary that subpoenas be issued by the clerk's office. Although the clerk still has authority to do so, a subpoena also may be issued by an attorney as an officer of the court.

Blank [civil subpoenas](#) are available on the court website.

CRIMINAL

Criminal subpoenas shall be issued by the clerk under the seal of the court pursuant to Rule 17(a), FRCrP. Court appointed counsel under the Criminal Justice Act

representing indigent defendants shall refer to Rule 17(b), FRCrP and 28 U.S.C. § 1825 for proper procedures regarding issuance and service of subpoenas. Witness fees, travel costs, and expenses for service of subpoenas on fact witnesses are not payable out of the Criminal Justice Act appropriation. Retained counsel shall refer to Rule 17, FRCrP.

Criminal subpoenas (blank or signed and sealed) are available from the clerk's office. Blank [criminal subpoenas](#) are also available on the court website.

See 28 U.S.C. § 1821 for witness fee information. The current mileage rate is .555 cents per mile (as of January 1, 2013).

SUPERSEDEAS BOND

A supersedeas bond (if required) is filed with the clerk's office after first having been set and approved by the court. See [Local Rule 62.2](#).

SUPPLEMENTARY PROCESS

FROM AN ACTION FILED IN ANOTHER JURISDICTION

The clerk's office will issue trustee process upon the filing of a certification of judgment (see Miscellaneous Business Docket page 36), the payment of the filing fee, any necessary motion and the submission of a prepared form of process. A blank [writ of execution](#) for MBD cases may be found on the court's website.

Contact: the Miscellaneous Business Clerk at 617-748-4232

FROM AN ACTION FILED IN THIS DISTRICT

Subsequent to the commencement of any personal action, trustee process may be used to secure satisfaction of the judgment for damages and costs which plaintiff may recover on a claim that has been reduced to judgment or otherwise authorized by law. See Rule 64 of the FRCvP. The procedure for execution on a judgment and trustee process is governed by the applicable law of the state where the court is located.

If a motion for trustee process is approved by the court, then a trustee summons is issued to notify the trustee that any goods, effects, or credits of the defendant in the hands of the trustee have been attached to the value of the amount of the judgment or as authorized by the court and to state the time within which the trustee is required to answer. The answer, filed electronically, shall disclose what goods,

effects or credits, if any, of the defendant were in the hands or possession of the trustee when the trustee summons was served.

Contact: the [docket or courtroom deputy clerk](#) assigned to the presiding judicial officer

WRIT OF ATTACHMENT

A writ of attachment will issue upon the allowance of the appropriate motion.

Forms for the [writ of attachment](#) (one for cases pending in this district, and one for cases assigned to the Miscellaneous Business Docket) may be found on the court's website.

WRIT OF EXECUTION

FROM A JUDGMENT ENTERED IN ANOTHER JURISDICTION

The clerk's office will issue a writ of execution upon the filing of a certification of judgment (see Miscellaneous Business Docket page 36), the payment of the fee, and the submission of a prepared writ of execution. A [writ of execution](#) for MBD cases may be found on the court's website.

Please note that there is a separate version of the Writ of Execution for MBD matters.

Contact: the Miscellaneous Business Clerk at 617-748-4232

FROM A JUDGMENT ENTERED IN THIS DISTRICT

When requesting the clerk to issue a writ of execution from a judgment entered in this district, submit a completed writ of execution along with a copy of the judgment. A form for the [writ of execution](#) may be found on the court's website.

The amount of pre-judgment interest must be included in the judgment to be included in the writ of execution.

Contact: the [docket or courtroom deputy clerk](#) assigned to the presiding judicial officer

TAXATION OF COSTS

See Bill of Costs (page 10)

TRAINING

The clerk's office provides several options for training on electronic filing including hands-on training sessions, computer based training modules on the court's website, and assistance to trainers working in law firms and other legal organizations. The training sessions are open to attorneys, their support staff, and trainers.

Hands-On Training

Hands-on training for attorneys and their support staff, and *pro se* litigants permitted by the court to use CM/ECF is offered in all three clerk's offices in the district. A training session lasts approximately ninety (90) minutes. The training provides attorneys and/or their staff with the knowledge necessary to file pleadings that have been converted to Portable Document Format (PDF) and to retrieve electronically filed documents. Advance registration is required.

Schedule

Check the court website for the [schedule of classes](#) and availability.

Computer Based Training Modules

CM/ECF [computer-based training modules](#) are available on the court website, and are designed for attorneys and law firm staff interested in learning how to use the CM/ECF system. Through guided practice, using simulated CM/ECF screens and actions, users will learn how to file pleadings and other materials using the CM/ECF system.

For Designated Trainers

The Clerk's Office will work with individuals from law firms and organizations who are responsible for training their own staff on the use of CM/ECF. Contact the Outreach/Training Coordinator for a suggested curriculum, PDF files used by the court's trainers, and logins and passwords to the court's training database.

Contact: the Outreach/Training Coordinator at 617-748-9166

TRANSCRIPTS

ORDERING

If the transcript is being ordered for appeal purposes, review the instructions found on the court of appeals' website at www.ca1.uscourts.gov.

If the transcript is not for appeal purposes, the requestor may contact the [court reporter](#) to order the transcript and to make the necessary financial arrangements.

See also, Court Reporters (page 20)

Contact: the Court Reporter Supervisor at 617-748-9167

TRANSCRIPT REDACTION POLICY

The District of Massachusetts, in accordance with Judicial Conference Policy and the amendments to Rule 5.2 of the FRCvP and Rule 49.1 of the FRCrP, has implemented a Transcript Redaction Policy regarding official court transcripts.

A copy of the [policy](#) may be found on the court website.

Transcripts filed with the court prior to May 5, 2008 are available on paper in the Clerk's Office.

Contact: the Court Reporter Supervisor at 617-748-9167

APPENDICES

1. SAMPLE DOCKET SHEETS
2. COMMON PROCEDURES AND REQUIRED FORMS
3. 2013-2018 LEGAL HOLIDAYS AND OBSERVANCES
4. CENTRAL VIOLATIONS BUREAU
5. GLOSSARY OF LOCAL TERMS AND ACRONYMS
6. SEARCH GUIDELINES

United States District Court
District of Massachusetts (Boston)
SAMPLE CIVIL DOCKET

Hodges et al v. Sun Resorts, Inc. et al
Assigned to: William G. Young
Referred to:
Cause: 28:1332 Diversity-Contract Dispute

Date Filed: 03/01/12
Jury Demand: None
Nature of Suit: 190 Contract: Other
Jurisdiction: Federal Question

Plaintiff

Roger A. Hodges

*Individually and on behalf of all
others situated*

represented by

John Smith

Smith & Smith, P.C.

One Main Street

Boston, MA 02210

617-555-1234

Email: smith@emailprovider.com

ATTORNEY TO BE NOTICED

v.

Defendant

Sun Resorts, Inc.

Filing Date	#	Docket Text
03/01/2012	<u>1</u>	COMPLAINT against Sun Resorts, Inc. Filing fee: \$ 150, receipt number 8754312, filed by Kimberly F. Hodges, Roger A. Hodges.(Good, Tina) (Entered: 03/01/2012)
03/01/2012	<u>2</u>	Summons Issued as to Sun Resorts, Inc. Counsel receiving this notice electronically should download this summons, complete one for each defendant and serve it in accordance with Fed.R.Civ.P. 4 and LR 4.1. Summons will be mailed to plaintiff(s) not receiving notice electronically for completion of service. (Grant, John) (Entered: 03/01/2012)

United States District Court
District of Massachusetts (Boston)
SAMPLE CRIMINAL DOCKET
CRIMINAL DOCKET FOR CASE #: 1:12-cr-10027-MLW All Defendants

Case title: USA v. James

Date Filed: 11/21/2012

Assigned to: Judge Mark L. Wolf

Defendant (1)

Jesse James

Pending Counts

18:1001 False statements
(1-5)

Disposition

Highest Offense Level (Opening)

Felony

Terminated Counts

None

Disposition

Highest Offense Level (Terminated)

None

Complaints

None

Disposition

Plaintiff

USA

Date Filed	#	Docket Text
11/21/2011	1	INDICTMENT as to Jesse James (1) count(s) 1-5. (Smith, Jane) (Entered: 11/21/2012)
11/21/2011		ELECTRONIC NOTICE of Case Assignment as to Jesse James; Judge Mark L. Wolf assigned to case. If the trial Judge issues an Order of Reference of any matter in this case to a Magistrate Judge, the matter will be transmitted to Magistrate Judge Judith G. Dein. (Jones, Henry) (Entered: 11/21/2012)

COMMON PROCEDURES AND REQUIRED FORMS	
PROCEDURE	FORM(S) REQUIRED
Complaint OR Notice of removal OR Any other initiating document	JS44-Civil Cover Sheet Category Sheet Report on Filing Patent/Trademark/Copyright cases (where necessary)
Motion to Vacate/Set Aside Sentence	Motion to Vacate/Set Aside Sentence (AO243)
Payment of CJA counsel	CJA 20 – prepared by Financial Office at time of appointment
Payment for transcript for CJA case	CJA 24 – prepared by Financial Office at time of appointment
Payment of expert and other services	CJA 21 – prepared by Financial Office at time of appointment
Petition for Writ of Habeas Corpus (28§2254)	Petition for Writ of Habeas Corpus (AO241)
Registration of judgment from another jurisdiction	Registration of judgment for registration in another jurisdiction (AO451) NOTE: shall be completed, signed and sealed by the court <i>in which the judgment was entered.</i>
Service	Summons in a Civil Case (AO440) Third Party Summons (AO441) Waiver of Service of Summons (AO399)
Taxation of costs	Bill of costs (AO 133)
Waiver of fees	Application to proceed without prepayment of fees and affidavit (AO240)
Writ of Execution	Writ of Execution OR Writ of Alias Execution

<p>Writ of Execution for a judgment issued in another jurisdiction (MBD matter)</p>	<p>Registration of judgment for registration in another jurisdiction (AO451) NOTE: shall be completed and sealed by the court in <i>which the judgment was entered.</i> Writ of Execution - MBD Writ of Execution on Behalf of Trustee in MBD Case Writ of Alias Execution for Miscellaneous Case</p>
---	---

2013-2018 LEGAL HOLIDAYS AND OBSERVANCES

There are ten federal holidays each year. If a holiday falls on a Saturday, the Clerk's Office is closed on Friday. If a holiday falls on a Sunday, the office is closed on Monday.

2013		2016	
New Year's Day	01/01/13	New Year's Day	01/01/16
Martin Luther King Day	01/21/13	Martin Luther King Day	01/18/16
Washington's Birthday	02/18/13	Washington's Birthday	02/15/16
Memorial Day	05/27/13	Memorial Day	05/30/16
Independence Day	07/04/13	Independence Day	07/04/16
Labor Day	09/02/13	Labor Day	09/05/16
Columbus Day	10/14/13	Columbus Day	10/10/16
Veterans Day	11/11/13	Veterans Day	11/11/16
Thanksgiving Day	11/28/13	Thanksgiving Day	11/24/16
Christmas Day	12/25/13	Christmas Day (observed)	12/26/16

2014		2017	
New Year's Day	01/01/14	New Year's Day (observed)	01/02/17
Martin Luther King Day	01/20/14	Martin Luther King Day	01/16/17
Washington's Birthday	02/17/14	Washington's Birthday	02/20/17
Memorial Day	05/26/14	Memorial Day	05/29/17
Independence Day	07/04/14	Independence Day	07/04/17
Labor Day	09/01/14	Labor Day	09/04/17
Columbus Day	10/13/14	Columbus Day	10/09/17
Veterans Day	11/11/14	Veterans Day (observed)	11/10/17
Thanksgiving Day	11/27/14	Thanksgiving Day	11/23/17
Christmas Day	12/25/14	Christmas Day	12/25/17

2015		2018	
New Year's Day	01/01/15	New Year's Day	01/01/18
Martin Luther King Day	01/19/15	Martin Luther King Day	01/15/18
Washington's Birthday	02/16/15	Washington's Birthday	02/19/18
Memorial Day	05/25/15	Memorial Day	05/28/18
Independence Day (observed)	07/03/15	Independence Day	07/04/18
Labor Day	09/07/15	Labor Day	09/03/18
Columbus Day	10/12/15	Columbus Day	10/08/18
Veterans Day	11/11/15	Veterans Day (observed)	11/12/18
Thanksgiving Day	11/26/15	Thanksgiving Day	11/22/18
Christmas Day	12/25/15	Christmas Day	12/25/18

CENTRAL VIOLATIONS BUREAU

Rule 58 of the Rules of Criminal Procedure governs the procedure and practice for the conduct of proceedings involving petty offenses. Under Rule 58(a)(2), each United States District Court has a local rule or order for processing petty offenses, as defined in 18 U.S.C. §19, for which the court determines, in the event of conviction, that no sentence of imprisonment will be imposed. These local rules provide an alternative method for handling petty offense cases initiated by violation notice or by complaint.

The United States Attorney is responsible for all prosecutions in the United States District Court and for coordinating law enforcement efforts. By statute and regulations, federal agencies have the authority to issue violation notices for offenses committed within federal enclaves. In most instances, the United States Attorney has designated agency prosecutors to prosecute petty offenses initiated by violation notice.

The Administrative Office has established a national Central Violations Bureau (CVB) in San Antonio, Texas to assist the district courts in processing violation notices issued by federal agencies for petty offenses. Hearings are normally held at five locations throughout the district: in Boston for all violations occurring in the Boston area, Cape Cod for violations occurring at the Cape Cod Canal and the National Seashore, Worcester for all violations occurring in Worcester and other locations in the Central Division, Hanscom Air Force Base for those violations occurring at the Air Force Base and the Bedford Veteran's Administration Hospital, and in Springfield for all violations occurring west of Worcester.

Once a violation is issued, the officer marks the violation for either a mandatory or optional appearance date. Violation notices marked as optional appearances permit a person to whom a violation notice has issued to forfeit the designated amount set forth on the violation notice in lieu of appearance in court. The amount of forfeiture is based on a forfeiture collateral schedule approved by the United States District Court. If an appearance is optional, the person to whom the violation notice has been issued may still request a hearing by sending his or her copy of the violation notice San Antonio and specifically requesting a hearing. (Details are available on the ticket, much like a violation notice issued by a local authority.)

If a person to whom a violation notice has been issued is convicted after trial, an appeal may be taken to a district judge in Boston by filing of a notice of appeal with the clerk of the CVB session within fourteen (14) days of conviction and the payment of a [fee](#).

If the defendant fails to appear at a hearing, then a warrant may issue. If that happens, and the appearance was **optional**, then the United States Marshal will normally send a letter to that person indicating that that person may satisfy the

outstanding violation notice and warrant by paying double the amount of the forfeiture of collateral indicated on the violation notice. Alternatively, for **optional** appearances, that person may satisfy the warrant by specifically requesting a hearing and appearance on the date that that hearing is set. If a warrant is issued and the appearance was **mandatory**, then the United States Marshal will normally send a letter to that person indicating that that person may satisfy the outstanding warrant by specifically requesting a hearing and appearance on the date that that hearing is set.

GLOSSARY OF LOCAL TERMS AND ACRONYMS

ADR	Alternative Dispute Resolution
AO	Administrative Office of the US Courts (Washington DC). Sometimes referred to as AOUSC
AOUSC	Administrative Office of the US Courts (Washington DC). Sometimes referred to as AO
AUSA	Assistant US Attorney
BAP	Bankruptcy Appellate Panel
BOP	Bureau of Prisons
CARE	Court Assisted Recovery Effort (Re-entry program)
CJA	Criminal Justice Act (18 U.S.C. § 3006A)
CM/ECF	Case Management/Electronic Case Files (CM/ECF) is the automated case management and docketing system used by most federal courts
COA	Court of Appeals
COURTRAN	One of the precursors to the automated system used by the courts today
CVB	Central Violations Bureau
FNU	Alias type: First name unknown
FRC	Federal Records Center
ICMS	One of the precursors to the automated system used by the courts today
IFP	<i>in forma pauperis</i>
JERS	Jury Evidence Recording System
JNOV	Judgment notwithstanding the verdict
LNU	Alias type: Last name unknown
MAD	Naming convention established by the Administrative Office to identify federal courts. Examples: MAD is the District Court for the District of Massachusetts, MAB is the Bankruptcy Court for the District of Massachusetts.
MBD	Miscellaneous business docket
MDL	Multidistrict Litigation
NARA	National Archives and Records Administration
NEF	Notice of Electronic Filing, from the CM/ECF system
PACER	Public Access to Court Electronic Records

GLOSSARY OF LOCAL TERMS AND ACRONYMS

pay.gov	The Treasury Department's Internet payment process, used by CM/ECF to allow attorneys and other filers to pay case-related fees
PI	Permanent or preliminary injunction
PLRA	Prisoner Litigation Reform Act
PSI	Pre-sentence Investigation
PSR	Pre-sentence Report
R&R	Report and Recommendation
RESTART	Reentry: Empowering Successful Today's And Responsible Tomorrow's
S/J	Summary Judgment (or SJ)
STA	Speedy Trial Act
TRO	Temporary Restraining Order
UFAP	Unlawful flight to avoid prosecution
USAO	United States Attorney's Office
USBC	United States Bankruptcy Court
USC	United States Code
USCA	United States Court of Appeals. Also referred to as COA
USDC	United States District Court
USDJ	United States District Judge
USMJ	United States Magistrate Judge
USMS	United States Marshal Service. Also referred to as USM
USPO	United States Probation Office
USSC	United States Sentencing Commission

SEARCH GUIDELINES

The Administrative Office of the United States Courts has set specific guidelines¹ for all searches:

Guideline No. 1 Any information which is easily retrieved, with a minimum expenditure of time and effort, should be considered a non-chargeable 'retrieval,' as opposed to a chargeable search. A search fee should not be charged for a single request for basic information readily available through an automated database. A request of this nature should be considered a "retrieval" and should not be considered a "search."

Guideline No. 2 A search fee should be charged for any request for which accurate case and docket number information is not provided by the requestor and which therefore requires a physical search of the court's records.

Guideline No. 3 With limited exceptions, a fee should be charged for all written search requests which require a written response.

Guideline No. 4 Where requested information is available on pacer or another automated system, a court may have a policy which requires a telephoning requestor to utilize an automated database (pacer for law firms and other institutions with computer capability), instead of having a court employee conduct the information retrieval.

Guideline No. 5 In automated courts, a computer terminal with suitable data protection should be made available for use by the public.

Guideline No. 6 Requests for archived documents should be charged only the archive retrieval fee of \$53.00 and not an additional \$30.00 search fee.

Guideline No. 7 The clerk has the general authority to refuse to conduct searches which are unreasonable or unduly burdensome.²

¹ From a Memorandum of Leonidas Ralph Mecham, Director of the Administrative Office dated 11/24/97

² A determination that a search is unreasonable or unduly burdensome should only be made after consultation with and approval of a supervisor.

31 U.S.C. § 3729..... 37
ABSTRACTS OF JUDGMENT 31
administrative record 18
Administrative Subpoenas/Summons..... 34
ADMISSION 8
ADR..... 18
alternative dispute resolution..... 18
ALTERNATIVE DISPUTE RESOLUTION 3
AO451 13
APOSTILLE..... 3
APPEALS..... 4
FEDERAL CIRCUIT COURT OF APPEALS 4
FIRST CIRCUIT 4
APPEALS TO THE DISTRICT COURT 7
BAIL 4
CASH OR COLLATERAL OTHER THAN REAL PROPERTY 4
BANKRUPTCY 6
STAY PENDING APPEAL..... 7
BAR..... 8
BILL OF COSTS 9
CAMERAS IN THE COURTROOM 10
CARE PROGRAM..... 38
CASE ASSIGNMENT 10
CASE FILES 11
CASE INFORMATION 11
CASH OR COLLATERAL OTHER THAN REAL PROPERTY 4
Central Violations Bureau..... 12
CERTIFICATE OF ADMISSION..... 9
CERTIFICATE OF GOOD STANDING 8
CERTIFICATE OF SERVICE 12
CERTIFICATION OF JUDGMENT 13
CHANGE OF ADDRESS..... 13
charging instrument..... 12
CIVIL ACTIONS 14
CIVIL SUBPOENA 42
CJA 14
CM/ECF 3, 11, 14, 18, 19, 20, 22, 25, 27, 31, 38, 41, 44
COURT CALENDAR 19
court reporter..... 19
COURTROOM OPPORTUNITIES 9
CRIMINAL JUSTICE ACT 14
CRIMINAL SUBPOENA 42
CVB..... 12
DAILY DOCKET 19
dates of birth 21
DEFAULT JUDGMENT 20

digital video pilot.....	10
DISCHARGE OF MORTGAGE	5
DISCOVERY	20
DOCKET SHEET	20
DUPLICATE CERTIFICATE OF ADMISSION.....	9
DUTY ATTORNEY	15
E-GOVERNMENT ACT.....	21
ELECTRONIC DEVICES	22
EMERGENCY BUSINESS	23
Escrow Agreement.....	6
<i>ex parte</i>	23
<i>ex parte</i> motions.....	18
EXEMPLIFICATION	23
EXHIBITS.....	24
EXTENSION OF TIME	39
FALSE CLAIM ACT	37
FAX	26
FEDERAL CIRCUIT COURT OF APPEALS	4
Federal Defender	15
FEDERAL PUBLIC DEFENDER	24
FEDERAL RECORDS CENTER	24
financial account numbers.....	22
FIRST CIRCUIT	4
forms	26
GENERAL COURT ORDERS	26
grand jury proceedings.....	39
Hague Convention.....	3
HELP DESK RESOURCES	18
HIDDEN TEXT	38
home address	22
immigration.....	35
INCLEMENT WEATHER.....	27
INEXPERIENCED ATTORNEYS	9
INTEREST RATES.....	28
Internal Revenue Service	34
INTERNAL REVENUE SERVICE	32
INTERNET ACCESS.....	28
IRS	32
IRS Form 8300	5
JERS	30
JUDICIAL MISCONDUCT	29
JURY INFORMATION.....	31
Lead <i>Pro Se</i> Staff Attorney.....	36
LEAVE TO APPEAL.....	7
LEGAL HOLIDAYS.....	31
LENGTH OF MEMORANDA	31

Letters Rogatory..... 34

LIENS..... 31

Local Rule 201 7

Local Rule 40.1 10

Local Rule 40.1 (C) 29

Local Rule 5.1 26

Local Rule 5.2(b) 12

Local Rule 5.3 21

Local Rule 5.4 14, 18

Local Rule 62.2 42

Local Rule 67.4 25

Local Rule 7.1 31

Local Rule 7.1(b)(4)..... 31

Local Rule 7.2 19, 39

Local Rule 79.1 24

Local Rule 83.5.1(a) 8

Local Rule 83.5.2 14

Local Rule 83.5.3 9

magistrate judge..... 10, 23

MBD 13, 33, 43

MDL Panel 34

media 22, 33

MEDICAL RECORDS 33

MEMORANDA 31

METADATA..... 38

minor children..... 21

Miscellaneous Business Docket..... 13

MISCELLANEOUS BUSINESS DOCKET 33

Mortgage 6

MULTIDISTRICT LITIGATION 34

NATURALIZATION 35

NEF 12, 13

Notice of Electronic Filing..... 12

NOTICES OF REMOVAL..... 14

official court reporter..... 19

OPINIONS SEARCH..... 35

PACER..... 11, 18, 20, 21, 27, 35

parent corporation 19

petty offenses..... 12

POST-JUDGMENT INTEREST RATES..... 28

PRE-JUDGMENT INTEREST RATES 28

PRESENTATION EQUIPMENT 36

Privacy 21

PRO BONO PROGRAM 36

PRO HAC VICE ADMISSION 9

pro se litigants 18

PRO SE LITIGATION..... 37
Pro Se Staff Attorney..... 37
Public Access..... 35
QUALITY ASSURANCE..... 37
Quash..... 34
Qui tam..... 39
QUI TAM..... 37
qui tam actions..... 14
quitclaim deed..... 6
random draw system..... 10
REAL ESTATE..... 5
Real Property..... 6
REAL PROPERTY..... 5
Receiverships..... 34
REDACTION..... 38
REDACTION POLICY..... 45
Registration of Judgment..... 34
RESTART PROGRAM..... 38
Return of Cash Bail..... See
RETURN OF CASH BAIL..... 6
sealed documents..... 18
SECURITY..... 40
Senior district judges..... 10
SERVICE ON U.S. GOVERNMENT..... 41
social security numbers..... 21
STANDING ORDERS..... 40
state court record..... 18
SUBPOENA..... 42
SUMMONS..... 41
SUPERSEDEAS BOND..... 42
superseding charges..... 12
taxation of bills of costs..... 9
TAXATION OF COSTS..... 44
Third Party Record Keeper..... 34
TRAINING..... 44
TRANSCRIPT REDACTION POLICY..... 45
U.S. Party/Case Index..... 35
United States Attorney..... 41
United States Attorney General..... 41
violation notices..... 12
WEATHER..... 27
WHISTLE BLOWER..... 37
WITHDRAWAL OF REFERENCE..... 8
WRIT OF ATTACHMENT..... 43