

## **NEWS FROM U.S. DISTRICT COURT**

**November 9, 2018**

**CRIMINAL CASE OPENING:** You may have noticed recently that new criminal cases look different than older ones. That's because we've streamlined our case opening procedure. All necessary documents are still filed but some files have been combined for purposes of efficiency.

**PACER AND CJA ATTORNEYS:** CM/ECF user account holders are required to have online PACER accounts. PACER accounts are necessary to look at certain types of documents filed in CM/ECF. In the past, Criminal Justice Act (CJA) panel attorneys were required to have two online PACER accounts, including one fee exempt account to be used only when performing legitimate CJA-related work. Beginning in August 2014, newly appointed CJA attorneys were no longer issued a separate fee exempt PACER account. CJA attorneys are now issued an upgraded PACER account to be used for both fee exempt and non-fee exempt work. Attorneys with a PACER account predating August 2014 are encouraged to upgrade their PACER account now.

The District of South Dakota is not a NextGen CM/ECF court yet. Unlike some other courts, including the Eighth Circuit Court of Appeals, which have already transitioned to NextGen CM/ECF, the District of South Dakota is still a CurrentGen CM/ECF court. When logging into PACER using an upgraded PACER account to look at documents filed in this court, a CJA attorney must add an "x-" prefix to his or her username to avoid incurring PACER access fees. Fee exempt usage is closely monitored. CJA attorneys who avoid paying access fees when performing non CJA-related work may have their PACER account terminated. For more information about fee exempt PACER accounts and CJA attorneys, see the following documents located on the PACER Service Center website: **CJA Exempt Status Instructions** and **CJA Exempt Status: Navigating Between Courts**.

**REPLACEMENT CJA COUNSEL:** In the past, the Clerk's Office has regenerated NEFs upon the appointment of replacement CJA counsel. Our procedure has recently changed. Instead of regenerating documents, a Notice of Activating CJA Privileges is docketed with attached instructions. This allows replacement counsel to go into PACER and select documents at no charge for court appointed cases. If there are sealed documents, the Clerk's Office will mail them to replacement counsel.