

## NEWS FROM U.S. DISTRICT COURT

November 13, 2020

**Fee Increases:** In an effort to keep up with inflation, the Judicial Conference has approved increases to the District Court Miscellaneous Fee Schedule (28 U.S.C. § 1914), *effective December 1, 2020*. Thus, beginning next month, the total cost to initiate most new civil cases in district court will be \$402. The miscellaneous case fee also increases from \$47 to \$49. This is the fee for filing or indexing any paper not related to a pending case or proceeding, such as filing a foreign deposition subpoena or registering a foreign judgment.

**Protective Orders:** It has been some time since we addressed the subject of protective orders in a newsletter. See [July 2010 Attorney Newsletter](#). Most often, these orders are drafted by counsel.

Rule 26 (c) of the Federal Rules of Civil Procedure provides a variety of options when it comes to protective orders. These options, however, have not always kept up with advances in technology. For example, subsection (H) requires parties to file protected documents or information in *sealed envelopes*. This is unnecessary because the Clerk's Office must open the envelopes to scan and electronically file the documents in CM/ECF. The documents are sealed when they are filed in CM/ECF.

Another provision we occasionally see in attorney-drafted protection orders allows the producing party to seek the return of protected material at the conclusion of a case. D.S.D. Civ. LR 5.1 (B) (1) provides that “[w]hen a document has been filed electronically[;] the official record is the electronic document as stored by the court . . .” Unless the filer, at the time of filing, specifically requests that protected documents be immediately returned to the filer, the Clerk's Office will shred the documents after they are scanned and electronically filed in CM/ECF. They will not be returned to the filer at the conclusion of the case.

**NextGen CM/ECF:** Our court anticipates transitioning to NextGen CM/ECF in early 2021. In addition to requiring attorneys to have upgraded PACER accounts, attorneys are also required to have individual PACER accounts. If you are still using a PACER account that is shared with others—such as members of your law firm, now is the time to register for an individual PACER account. The good news is your new individual PACER account will automatically be upgraded when you register.

After our court transitions to NextGen CM/ECF, attorneys will not be able to access CM/ECF to electronically file documents without an individual upgraded PACER account. Click [here](#) to register for an individual upgraded PACER account. Click [here](#) for instructions on how to upgrade your legacy PACER account. For more information about NextGen, see the [January 2020 Attorney Newsletter](#).

**Holiday Calendar:** The Clerk's Office and the U.S. Probation and Pretrial Services Office will be closed on Friday, November 27, 2020, the day after Thanksgiving. Both offices will be open on Christmas Eve and New Year's Eve, but with a reduced staff.