



# The Gideon

The Pro Se Litigation Committee Newsletter

Fall 2013

## Navigating Civil Cases Without an Interpreter

Judges are increasingly presented with litigants or witnesses in civil cases who speak little or no English. This is not a problem when the litigant is represented by counsel. The court faces a real dilemma when litigants represent themselves or must provide testimony.



Committee member Maureen A. Tighe is a bankruptcy judge in Woodland Hills

Federal law provides for the appointment of an interpreter at government expense solely in a judicial proceeding instituted by the United States. 28 U.S.C. § 1827(d) (1). This generally means criminal cases and limited civil matters, such as actions filed by the U.S. trustee,

the Internal Revenue Service or the Securities and Exchange Commission. One exception to this rule is when someone has a hearing impairment, in which case a sign language interpreter may be provided free of charge. The director of the Administrative Office of the U.S. Courts has promulgated guidelines on this in volume 5 of the Guide to Judiciary Policy. Section 260, Ch. 2, Vol. 5 of the guide provides that interpreter services in other situations are the responsibility of the parties to the action. Appropriated funding may not be used, although the court may consider the use of its non-appropriated funds, following the guide, Vol. 13, Ch. 12 (Attorney Admission Fees).

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## Courts, Prisons Net Savings from Prisoner E-Filing Program

We have all heard about prisoner pleadings submitted on toilet paper. We've seen worse in Arizona. We once had a prisoner submit six packets of asbestos as an exhibit. But the *pièce de résistance* was lunch meat. Notwithstanding Rule 5(d)(4) of the Federal Rules of Civil Procedure, the clerk of court was instructed not to scan or file the meat. Fortunately, we've since found a way to substantially reduce the likelihood of toilet paper, asbestos or lunch meat finding their way into our court records: prisoner e-filing.



Committee member James K. McKay is a pro se law clerk in Phoenix

Arizona's prisoner e-filing pilot program started on May 1, 2012, at one of the Arizona Department

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### Observe the National Pro Bono Celebration



The National Pro Bono Celebration, scheduled for October 20-26, 2013, focuses the nation's attention on the increased need for pro bono services during these challenging economic times and celebrates the outstanding work of lawyers who volunteer their services throughout the year. It is essential that the entire legal community engage in conversation and action that results in equal access to justice for all. The energy generated by the National Pro Bono Celebration is a powerful force that helps us build a just legal system. For information visit <http://www.probono.net/celebrateprobono>

# Western District of Washington Seeks to Bolster Pro Bono Pool

District courts throughout the Ninth Circuit have attempted to respond to the challenges posed by pro se litigation by developing a large number of pro bono programs. These programs are now catalogued at [www.circ9.dcn](http://www.circ9.dcn).

One way to respond is to expand the pool of attorneys willing to take on cases on a pro bono basis. However, pro se litigants often need the most assistance in areas of the law outside the traditional practices of the private bar. As a result, attorneys are reluctant to undertake pro bono representations, frequently citing their unfamiliarity with the applicable law as the reason.

To ameliorate this concern, federal judges and the Federal Bar Association of the Western District of Washington teamed up on September 13, 2013, to put on a continuing legal education seminar entitled, "Doing Well by Doing Good: Litigating Pro Bono Cases in Federal Court." The program, which took place at the U.S. District Court in Seattle and was streamed to the U.S. District Court in Tacoma, focused on demystifying pro bono representation for local practitioners and encouraging attorneys to join our court's volunteer Pro Bono Panel. In attendance were more than 60 members of the private bar, many of whom wound up volunteering to take on pro bono cases.



*Committee chair James P. Donohue is a magistrate judge in Seattle*

The event proved to be a great way for the federal judges and the FBA to work together to produce tangible results that will be of lasting benefit to the district. FBA Pro Bono Committee chairs Joanna Plichta Boisen and Brett Purtzer opened the program with introductory remarks, after which I provided an overview of our court's pro bono programs. To help private practitioners understand the various opportunities for pro bono representation, other speakers discussed the role of the Screening Committee in making recommendations to the court about whether civil cases appear appropriate for appointment of pro bono counsel. Also discussed were use of the limited representation rule, under which an attorney is appointed at the outset of the case to serve only through an early mediation, and services provided by the district's growing Federal Civil Rights Legal Clinic.

The CLE program then provided substantive training in areas of the law in which pro se litigants are frequently involved. District judge law clerks, pro se law clerks and private practitioners provided explanations of 42 U.S.C. § 1983 prisoner civil rights claims involving denial of adequate medical care, Religious Land Use and Institutionalized Persons Act of 2000 or RLUIPA claims, and excessive force claims. A private practitioner also provided substantive training regarding employment and Title VII cases, which are frequently brought by pro se litigants. Because representing pro se litigants can

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PRO SE LITIGATION COMMITTEE WEBSITE: [www.circ9.dcn/templates/prose.asp](http://www.circ9.dcn/templates/prose.asp)

## PRO SE LITIGATION COMMITTEE MEMBERS

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Melissa Hartigan, Esq., Pro Se Law Clerk, MT  
James K. McKay, Esq., Pro Se Law Clerk, AZ  
William Stansfield, Esq., Pro Se Law Clerk, CAS  
Yvette C. Artiga, Esq., Staff, Office of the Circuit Executive

This bright line test in the statute may be necessary, given funding limitations, but it increasingly makes it difficult to actually proceed with cases on our dockets. In our multicultural environment, pro se litigants and witnesses regularly and unexpectedly arrive in court who do not speak English. They sometimes expect an interpreter to be provided, or had no choice but to show up without their own interpreter. Often, the party has no ability to pay for a qualified interpreter (hardly surprising in bankruptcy court.) A party may also show up with a neighbor or relative who has agreed to interpret.

There are no clear rules on what a judge should do in these situations. In the middle of a crowded motion calendar and without prior notice, the judge is often confronted with such basic questions as: What language is this pro se litigant speaking? Is the “interpreter” capable of interpreting this proceeding? Does the interpreter have to be court certified? May I use my law clerk to interpret? May I speak to the litigant in a language other than English if I am conversant in the litigant’s language? Or, worse, is this so-called interpreter really an unlicensed “paralegal” who may be playing lawyer?

There are no uniform rules on such questions, and practices vary widely across the country. Most judges find whatever solution best provides due process for all within our limited funding and statutory authority. If there is no objection, and the proceeding simply involves argument, or very limited testimony, many judges will allow a friend or family member to interpret after limited inquiry about translation ability. Where the translation appears to be incorrect or seriously deficient, the hearing may be continued with instructions to return with a better interpreter. Some judges are fortunate to have a law clerk who speaks the language requiring interpretation and are willing to utilize the clerk’s services for the courtroom. Where the situation requires significant testimony or there is an objection, many judges require the person to return with a certified interpreter.

Some judges call on bilingual lawyers who were present for other calendar matters. This works well for short matters where the judge is not constantly relying on the same attorney. Bilingual judges will sometimes

announce a ruling in both English and the other language in an effort to move things along and provide everyone with relevant information quickly. Some courts have arranged for a telephonic interpretation service through Attorney Admissions Funds.

The judge has the discretion to require either that the interpreter be certified for federal court work or to simply evaluate how reliable the proposed interpreter is through an inquiry before argument or testimony. “Otherwise qualified interpreters” may be used in cases where certified interpreters are not “reasonably available.” 28 U.S.C. §1827(b)(2). At the very least, the interpreter should be sworn in and reminded to simply restate what the litigant said without embellishment. This can require some reminding where the interpreter is a family member who has an interest in the outcome of the proceeding.

One limited solution we have used in the bankruptcy court in Los Angeles and Woodland Hills, California, is to have a local public interest legal organization work with the interpreter’s program at a local college to provide volunteer student interpreters to litigants. Reaffirmation hearings, held pursuant to 11 U.S.C. §524(d), are held regularly in bankruptcy court. Most of the debtors appear without counsel, and many speak only Spanish. The student interpreters show up at a designated time and have the opportunity to interpret in a real court setting, gaining valuable experience. Two of the students who participated in the program went on to find employment with attorneys they met while volunteering. The program does need constant tending, however, as students graduate and new students and faculty advisors need to be recruited.

The National Center for State Courts has been grappling with this issue as well and recently issued a detailed report entitled “A National Call to Action – Access to Justice for Limited English Proficient Litigants: Creating Solutions to Language Barriers in State Courts.” The report can be found at <http://www.ncsc.org/Services-and-Experts/Areas-of-expertise/Language-access/A-National-Call-To-Action.aspx>. The report is the result of a multiyear study and provides many tips in case you are interested in a much more detailed study of the issue. □

of Corrections' 10 prison complexes. ASPC-Eyman in Florence, about an hour's ride south of Phoenix, houses more than 5,000 medium- and maximum-security prisoners in five units. In Arizona, higher security prisoners tend to be more litigious and Eyman provided a sample size large enough to accurately measure the costs and benefits of e-filing. Our expectations were easily met.

In its first year, the pilot program took in 279 cases. All told, prison librarians scanned and emailed to the court 1,967 prisoner documents totaling 88,067 pages. In addition, prison librarians printed from Notices of Electronic Filing or NEF, distributing to inmates 5,652 pages in 1,879 orders and other documents filed with the court.

As an incentive to the Department of Corrections, the court loaned the prisons five court-owned electronic senders. The prison librarians scan all prisoner documents to their computers and perform a quality control check before emailing the documents to a designated email box in the clerk's office. The librarians hold the original documents until they receive an NEF from the court. The original document is then returned to the prisoner along with the NEF as proof of filing. The librarians also receive NEFs and print and deliver all orders and other documents filed by the court. The defendants are required to accept NEFs of prisoner documents as proper service by the prisoners. The defendants must continue to serve their documents on the prisoners by mail.

Although there was some initial grumbling about the mechanics of the program, prisoners universally praise e-filing. The reasons are fairly obvious: they no longer have to pay for copies or postage, their documents are filed quickly, and they receive orders sooner. The Department of Corrections also saves costs on postage for indigent prisoners, but,

more importantly, they save staff time and the costs associated with security screening a large volume of outgoing and incoming mail. And last but not least, the court saves the costs and staff time associated with receiving prisoner mail, scanning documents, and mailing orders to prisoners.

The one-year prisoner e-filing pilot was such a success that our court is now preparing to expand the program to another large prison complex. We suspect that if your district doesn't already have a prisoner e-filing program, it soon will. □

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### PRO BONO POOL *continued from page 2*

raise unique ethical challenges, the ethical portion of the CLE focused on cultural competency in the pro se context.

To tie the substantive portions of the program together, my colleague, Magistrate Judge Mary Alice Theiler, and I provided practice tips for attorneys who accept a pro bono appointment, regardless of the subject matter. Our presentation was followed by a panel discussion by attorneys who previously accepted pro bono appointments. Panelists reflected on their initial fears, their experiences at trial, why they considered pro bono representation to be rewarding, and answered questions from the audience. The program concluded with comments by Chief District Judge Marsha J. Pechman, who encouraged attendees to get involved with the district's pro bono programs.

If your district is interested in putting on a similar program and would like a copy of the agenda used for this CLE, please feel free to contact me:  
James\_Donohue@wawd.uscourts.gov. □



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## INMATE ELECTRONIC FILING PROJECT FREQUENTLY ASKED QUESTIONS

1. **Who will scan documents?** The law librarian will scan all documents.
2. **When will documents be scanned?** Documents will be scanned and emailed to the court within 24 hours of receipt by the law librarian (weekends and holidays excluded).
3. **Is the document considered ‘filed’ when it is scanned?** The document will be considered “received” by the court once it is scanned. It will be filed and docketed within the normal time frames established by the Clerk of Court.
4. **How will an inmate know that a document has been filed with the court?** The law librarian will return the first page of the file-stamped document to you with your original document within 24 hours after the law librarian receives the file-stamped document. (weekends and holidays excluded).
5. **Will the inmate get a copy of the document after filing?** Your original document will be returned to you together with a copy of the file-stamped first page.
6. **Should the inmate keep the original document?** Yes, you should keep your original document for your use throughout the case.
7. **What if the inmate loses the original?** The inmate may request a copy of the original document from the court at his expense. Copies will not be provided free of charge from the Clerk of Court or from the law librarian.
8. **Does the inmate have to pay for scanning?** No, the inmate will not be charged for scanning documents to be filed with the court. The issue of scanning documents for delivery to other agencies (i.e. discovery documents to the Office of the Attorney General) is not addressed in this pilot program.
9. **How will initial service of the complaint be accomplished?** The complaint will be served via traditional service as directed by the Court.
10. **How will the Deputy AG receive a copies of documents?** The AG will receive a copy of each document by email via the CM/ECF program after it is filed by the Court Clerk
11. **Does the inmate still need to mail a copy to the Deputy AG?** No, after the Court issues an order regarding service of the complaint, the AG will receive a copy of the document by email after it is filed by the Court Clerk.

12. **What should the inmate do if a party is not able to receive electronic filing?** If a party is not a registered user of the court's electronic filing system, then the inmate must continue to make a copy and mail a copy to that party.
13. **Does the inmate have to pay for copies?** Yes, if an inmate requests an additional copy for himself or if the inmate request copies for any parties that must be served by mail (i.e. non-registered users).
14. **How will this save money?** This program will save money for the inmate, NDOC, the Office and the Attorney General by not requiring additional copies to be made and reducing the need for postage costs.
15. **How will this save time?** This process will eliminate delays caused by utilizing the U.S. Mail.
16. **How will the inmate receive documents from the Office of the Attorney General or other registered users?** Documents will be electronically filed and a copy will be emailed to NNCC. The law librarian will print out a copy of the document and arrange for delivery to the inmate within 24 hours (weekends and holidays excluded).
17. **How will the inmate receive documents from the Court?** Documents will be electronically filed and a copy will be emailed to NNCC. The Law Librarian will print out a copy of the document and arrange for delivery to the inmate within 24 hours (weekends and holidays excluded).
18. **How will the inmate receive documents from other registered users (i.e. law firms or other agencies)?** Documents will be electronically filed and a copy will be emailed to NNCC. The law librarian will print out a copy of the document and arrange for delivery to the inmate within 24 hours (weekends and holidays excluded).
19. **How will the inmate receive documents from non-registered users?** Documents from non-registered users will continue to be transmitted via U.S. Mail.
20. **How will confidentiality of documents be addressed?** Documents will be delivered to the law librarian and returned from the law librarian in a manilla envelope.
22. **What if the scanner breaks down?** If the scanner becomes inoperable for more than a 24 hour period (weekends and holidays excluded), the law librarian will notify the court of the delay. If the scanner remains inoperable the court may elect to accept mailed documents until the scanner can be repaired.
23. **How should large documents be scanned?** Large documents should be scanned in groups of 50 pages each and named as XXX 1, XXX 2, XXX 3, etc.

- 24. How does an inmate file more than one document at one time?** Separate documents that are meant to be filed separately should not be scanned as one pdf.
- 25. What happens if an inmate is moved to another prison?** The inmate should file a change of address immediately with the court so that documents can be sent to the inmate at his new address. If the facility is set up for e-filing, the inmate will continue to e-file. If the facility is not set up for e-filing, the inmate will revert to mailing documents to the court for filing. Documents will be accepted for e-filing for cases that originated either in the northern or southern divisions of the federal court. The inmate must file a notice of change of address with the court pursuant to Local Special Rule 2-2. Failure to file a notice of change of address may result in dismissal of the action with prejudice.

When the court sends an order or other correspondence to an inmate who is no longer housed at that particular prison, the librarian shall print the Notice of Electronic Filing (NEF) and write "return to sender" and the general status of the inmate, i.e. "paroled," "moved to another facility," etc. The librarian shall then scan in the NEF and email the NEF page to the court for filing. Returned NEF alone is not adequate notification to discontinue service on the inmate by the court. Therefore, the librarian might expect to receive several documents from the court before the inmate lodges a notice of change of address with the court. The librarian will need to repeat the process of printing the NEF, making the notation, scanning and emailing back to the court, for each and every NEF that is delivered to the prison for that inmate until the inmate changes his address. A reply email is not sufficient notice.

- 26. What happens if an inmate refuses delivery?** The document will be returned to the court with a note reflecting that delivery was refused.
- 27. Does this program include habeas cases or appeals?** No, electronic filing is only for § 1983 civil rights cases filed in the United States District Court for the District of Nevada.
- 28. Does the inmate still have to mail discovery ?** Yes, at this time discovery requests and responses will continue to be mailed. At some future time, a system may be set up with the Office of the Nevada Attorney General for the electronic service of discovery.
- 29. Does an inmate still have to mail his mediation statement?** Yes, mediation statements are confidential and should only be mailed to chambers, never filed either electronically or otherwise.
- 30. Does an inmate still have to mail his settlement statement?** Yes, settlement conference statements are confidential and should only be mailed to chambers, never filed either electronically or otherwise.
- 31. What if the inmate is suing the law librarian?** An inmate may file a motion with the court to file his documents via U.S. Mail if the law librarian is a named defendant in his

lawsuit. The court shall exercise its discretion in granting such requests on an individual basis.

- 32. Can the inmate or librarian see documents filed under seal?** No, only the court can see documents filed under seal. Local Rule 10-5(b) pertains to papers filed under seal.

E-Filing Procedures between USDC Reno & NNCC  
for § 1983 Cases ONLY

1. NNCC law librarian scans in document received from inmate within 24-hours of receipt (weekends and holidays excluded).
2. Document is automatically deposited from the scanner into an email inbox at USDC Reno.
3. USDC Reno docket clerk docket the document on CM/ECF.
4. A copy of the document is sent electronically through CM/ECF to NNCC email inbox.
5. NNCC law librarian will print and return a copy of the first page of the file-stamped document to the inmate together with his original document.
6. Opposing counsel will obtain a copy of the document through CM/ECF.
7. Opposing counsel will file documents through CM/ECF. NNCC law librarian will print and arrange for delivery of documents filed by opposing counsel.
8. Documents will be delivered to the law librarian and returned from the librarian to the inmate in a manilla envelope.
9. Courtesy copies of large documents no longer need to be provided to chambers unless otherwise ordered by the court.
10. Confidential settlement and mediation statements from inmates will continue to be mailed via US mail to chambers.
11. Discovery documents will continue to be mailed via US mail until such time as the AG and NNCC develop a system for electronic exchange of those documents.

# Proposal: Prisoner E-Filing Project

## U.S. District Court for the District of Nevada

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### Purpose

The United States District Court for the District of Nevada, the Nevada Office of the Attorney General (AG), and the Nevada Department of Corrections (NDOC), specifically the Northern Nevada Correctional Center (NNCC), would like to participate in a pilot project designed to reduce the cost of processing court filings by court and NDOC staff for prisoners' civil rights cases brought under 42 U.S.C. § 1983.

This proposal, if adopted and properly executed, will significantly reduce the amount of time spent by court and NDOC staff on prisoner court filings as well as reduce expenditures on paper, envelopes, copier supplies, and postage for the court, the AG, and NDOC.

Contact information:

Lia Griffin, Operations Manager, U.S. District Court (775) 686-5840

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### Overview

The court implemented mandatory electronic case filing in 2005. All attorneys who practice law in the District of Nevada are required to file their documents electronically.

Documents that exist only in paper form must be scanned into PDF. Scanning a document into PDF is a physical process very similar to making a photocopy. Unlike photocopying, however, a scanner's output is not paper, but a single computer file that is a PDF format of the original document.

With very few exceptions, all documents filed with the court are e-filed in the court's electronic case filing system, which means that they must first exist in PDF. All documents filed by attorneys, the court, and pro se litigants are converted to PDF before being e-filed. Attorneys are required to convert their own documents to PDF; the court converts its own documents to PDF.

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### Current Practices: Costly and Labor Intensive

Because *pro se* prisoners are not granted access to the court's electronic filing system, they send all of their paper filings to the court via the U.S. Postal Service. Since a prisoner cannot have access to photocopiers or postage supplies, staff of the correctional institution make all of the required photocopies, affix postage, and mail the document, plus prepare all the copies on behalf of the prisoner. Once the court receives the prisoner's document, clerk's office staff must scan the documents so it can be e-filed in CM/ECF.

This is often a very labor intensive process for both the court and correctional facility. Prisoner civil rights cases comprise about 21% of the court's civil caseload. Thus, 21% of the civil case load is handled manually by the court and prison staff.

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## Proposed Practices: Money-Saving and Streamlined

The court suggests an improved method of handling prisoner filings, which requires substantially less staff time by the court and the correctional facility, and will significantly reduce the consumption of paper, envelopes, supplies, and postage. NDOC staff will scan prisoner filings to PDF and e-mail them to the court.

Discussed below are the relevant facts:

- NNCC will scan prisoner filings to PDF, rather than photocopy. The U.S. District Court proposes that the Nevada Chapter of the Federal Bar provide NNCC with one Hewlett-Packard 9250C Digital Sender (scanner), which costs approximately \$2,800.00 plus tax. After a successful trial period, the Digital Sender will become the property of NDOC.
- On-site training will be provided to NNCC staff about the process and procedures for filing. Court staff will be available by telephone to answer questions.
- The court will also provide an initial self-inking stamp for correctional staff to stamp each prisoner pleading after scanning, signifying that it was scanned and e-mailed to the court at a specific date and time.
- NNCC staff will scan and email the documents to the court within one business day. They will return the original documents to the prisoner, and keep a log book of scanned and emailed documents which the inmate will sign.
- The court will e-file the prisoners' documents as of the date of the e-mail. For prisoner pleadings (not complaints), the attorneys receive service through the notice of electronic filing generated by CM/ECF. For those parties who are not registered, NNCC will mail a copy of the prisoner's e-filed documents to those non-registered parties via U.S. Mail.
- The court and NNCC will determine a method by which NNCC staff can be included in the notices of electronic filing when a document has been filed electronically.
- The AG will be served electronically with all documents filed by the prisoner, and NNCC will print all documents filed by the AG and arrange for delivery of those documents to the prisoner.

- Pending approval of the District Judges, the court will electronically file all orders and the NNCC will arrange for delivery of those documents to the prisoner.

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## Conclusion

The court will strive to make every effort to use the most effective and economical methods and practices for both the personnel and resources of the District Court and the Nevada Department of Corrections.

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**UNITED STATES DISTRICT COURT  
DISTRICT OF NEVADA**

In the matter of: ) MISC FILE NO. PE-2012-01  
ELECTRONIC SUBMISSION OF )  
PRISONER § 1983 DOCUMENTS )  
PILOT PROJECT )

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The Court, the Nevada Department of Corrections (NDOC), and the Office of the Attorney General have agreed to participate in the following one-year pilot project designed to reduce the cost of processing prisoner filings in cases filed pursuant to 42 U.S.C. § 1983.

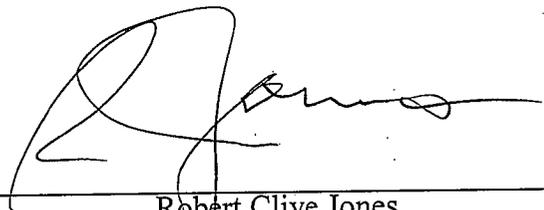
1. A digital sender will be installed at the Northern Nevada Correctional Center (NNCC). The digital sender will be the property of NDOC.
2. NDOC will be provided with a free Public Access to Court Electronic Records (PACER) account for use by the law librarian who will become a registered user.
3. NNCC staff will scan to PDF and, after quality review, email to the Court all documents presented by prisoners for filing with the Court in Section 1983 cases only at this time. The original documents will be returned to the prisoner. After November 1, 2012, all documents submitted for filing by prisoners in NNCC must be emailed to the Court in PDF format.
4. The Court will receive and file the prisoners' documents electronically. After traditional service of the prisoner's complaint and appearance by an opposing party, transmission of the Notice of Electronic Filing (NEF) to opposing parties who are Case Management - Electronic Case Filing (CM/ECF) Registered Users constitutes service

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of the hyperlinked document for purposes of Rule 5(b)(3) of the Federal Rules of Civil Procedure. The inmate will mail a copy of the prisoner's electronically filed document to non-registered users.

- 5. NNCC will establish an email address for receipt of NEFs of documents filed electronically. NNCC staff will print the NEFs and the hyperlinked order and other documents filed by the Court. Receipt of copies of the NEFs and hyperlinked documents by the prisoner constitutes service of the document on the prisoner. If the prisoner refuses delivery or is no longer at NNCC, staff will indicate the reason for non-delivery on the NEF and email it to the Court.
- 6. Opposing parties that are CM/ECF registered users will serve filings on NNCC prisoners by CM/ECF. NNCC staff will print and provide to prisoners NEFs and the hyperlinked documents filed by opposing parties.
- 7. The Court, the NDOC, or the Office of the Attorney General may terminate the pilot project at any time. Before, November 1, 2013, the Court and NDOC will evaluate the pilot project and determine whether it should be continued, terminated, modified, or expanded.

Dated this 31 day of October 2012.

  
\_\_\_\_\_  
Robert Clive Jones  
Chief United States District Judge

UNITED STATES DISTRICT COURT

DISTRICT OF NEVADA

In the matter of: ) MISC FILE NO. PE-2012-01  
ELECTRONIC SUBMISSION OF )  
PRISONER § 1983 DOCUMENTS )  
PILOT PROJECT )  
\_\_\_\_\_ )

**In Re: Application for Exemption from the Electronic Public Access Fees  
by the Law Library Supervisor at the Northern Nevada Correctional Center,  
Pauline Simmons**

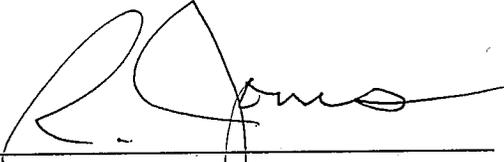
This matter is before the Court upon the application and request by **Pauline Simmons** for exemption from the fees imposed by the Electronic Public Access fee schedule adopted by the Judicial Conference of the United States Courts.

The Court finds that **Pauline Simmons as the law library supervisor at the Northern Nevada Correctional Center** falls within the class of users listed in the fee schedule as being eligible for a fee exemption. Additionally, **Pauline Simmons** has demonstrated that an exemption is necessary in order to avoid unreasonable burdens and to promote public access to information by indigent inmate filers. Accordingly, **Pauline Simmons** shall be exempt from the payment of fees for access via PACER to the electronic case files maintained in this court, to the extent such use is incurred in the course of **her duties as the law library supervisor at the Northern Nevada Correctional Center**. She shall not be exempt from the payment of fees incurred in connection with other uses of the PACER system in this court. Additionally, the following limitations apply:

1. this fee exemption applies only to **Pauline Simmons and the Northern Nevada Correctional Center** and is valid only for the purposes stated above;
2. this fee exemption applies only to the electronic case files of this court that are available through the PACER system;
3. by accepting this exemption, **Pauline Simmons** agrees not to sell for profit any data obtained as a result of receiving this exemption;
4. this exemption is valid until **November 1, 2017**.

This exemption may be revoked at the discretion of the Court at any time. A copy of this Order shall be sent to the PACER Service Center.

Dated this 31 day of OCTOBER, 2012.

  
\_\_\_\_\_  
**Robert Clive Jones**  
Chief United States District Judge