

Electronic Communication & Commerce Minutes, November 2, 2000

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Committee: [WEBSITE AND TECHNOLOGY](#)

Minutes of the Electronics Committee Meeting
November 2, 2000, 11:00 a.m., at Healy & Baillie, LLP

1. Presentation on the Electronic Court Filing System.

1. Terry Vaughn and Douglas Palmer of the Eastern District of New York provided a demonstration and presentation of the court's electronic filing system. Palmer said that by 2003 all federal courts in the United States will be using the Electronic Court Filing System ("ECF") for all cases. In the ECF, a username and password arrangement for registered users is a substitute for a holographic signature on papers filed. Registration is also required in order to elect to receive email notifications of filings in cases in which the registrant is not a party. The court administrators want eventually to make the user password valid nationwide so that registered users can file and access documents in any court. The ECF rules permit a user to disclose his or her password to an assistant for the purpose of filing documents under the user's name. However, the system is designed for hands-on use by judges and attorneys, and direct use will make the most of the ECF's speed and convenience.
2. When a document is filed in the ECF, an email is automatically sent to the judge, the magistrate and all parties. The email will contain the URL of the document

filed, so users may view the document simply by clicking on the URL. The email options for registered users are very flexible, *e.g.*, a user may enter several email addresses to which notices of filings should be sent, including the user's weekend email address and addresses of persons who are not registered users, such as clients, associates, paralegals, *etc.*

3. Unfortunately, the US Marshal's Office is not yet on the system.
4. At the present time, use of the system is free of charge. It is likely that a charge of 7 cents per page will be assessed to non-parties for downloading documents and that parties to the case will be permitted to download each document once without charge.
5. Documents filed in ECF must be in Adobe PDF (or portable document format). Generally, exhibits will be scanned into PDF and filed. Attorneys are permitted to use excerpts from bulky affidavits that are in their possession in an attorney's affidavit, in order to avoid filing the entire attachment, provided that the attorney offers to make the entire attachment available for inspection to all parties.
6. It is expected that the Civil Cover Sheet will be converted to an automated form.
7. At the present time, the Summons and Complaint must be

served in paper form even in ECF cases.

8. One of the new considerations for law firms arising from use of ECF is password management. An attorney's registration in ECF includes his or her firm affiliation. Thus, when attorneys depart from a firm, that registration must be cancelled and the firms must have procedures in place to prevent this from being overlooked.

2. Website Update -- the Chair reviewed the current structure of the documents library as provided by the website developers. Various suggestions were made and will be relayed by the Chair to the developers. Interest was expressed among the members of the Committee in establishing in addition to the library, discussion forums for each Committee. It was felt that these should not be open to the public and would have to be password protected in order to ensure a full and free discussion. It was also suggested that if passwords are implemented, the document library should be included in the members only section of the site. Otherwise, by making these valuable resources available to non-members, there would be a reduced incentive to join the MLA. It might help to keep the membership up and the dues coming in if these resources are limited to members only. It was also suggested that the meta tags for the existing website should be reviewed and improved in order to make our site more visible to the search engines.

3. Further Review of Draft Website Policy -- the procedures for maintaining the library were discussed and will be implemented by the Chair in the new draft, which will be posted at www.healy.com/articles/policy.htm (there will be no link to this document).

4. Jack McMahon reported that there were sufficient alternative sources to the UN Treaty database, that it probably would not be worthwhile trying to obtain a reduction in fees for the UN database, particularly in light of the withholding of UN dues by the United States. Jack mentioned that among the sites for UNCITRAL, IMO and the CMI, one can find most of the maritime-related treaties. In addition, the State Department and the UN still provide up-to-date treaty status by telephone free of charge.

5. Jamie Kleiner reported on the possibility for Committee involvement in the forms of contracts used in B to B transactions. He reported that the Committee should wait and see what develops. Most of the B to B exchanges do not impose contract forms on their members.

6. The Chair reported on the use of web-generated bills of lading by liner companies. Many companies are enabling shippers to download signed bills of lading from the carrier's website upon loading of the cargo. The Chair reported that there is a security add-on for Adobe products that permits control of the number of copies of a PDF file that can be printed. The feature is sometimes called "print once and disable." It appears that the carriers are using this or a similar product in order to control the number of copies of a bill of lading that can be printed. The carriers are also requiring shippers to enter into agreements governing the shipper's use of the system before access is provided.

7. George Chandler reported on the international developments. George discussed Global Trade, Bolero and Trade Card -- all e-commerce providers for cargoes transported by ships, and mentioned that two insurance companies are offering coverage for losses arising from the use of electronic documents. George

also discussed Stolt's project, chemlink.com.

8. New Projects for the Committee -- George Chandler suggested that the Committee review the report of the e-commerce working group of the CMI. It was the sense at the meeting that the Committee should try to arrange a presentation of the Electronic Court Filing System for the general membership at either or both of the spring or San Diego meetings.

9. A partial list of those in attendance is attached (some members did not sign in).

Glen T. Oxton, Chair

NAME FIRM/LOCATION EMAIL

Michael A. Snyder Chicago, IL shiplaw@juno.com

Warren Marwedel Chicago, IL wjmnymandr@aol.com

Al Frevola Conrad & Scherer afrevola@aol.com

Ft. Lauderdale, FL

J.P. McMahon McMahon & Connell, P.C. jpmcm@pipeline.com

Charlotte, NC

David J. Sharpe retired professor dsharpe855@aol.com

Baltimore, MD

Martin Davies Tulane Law School mdavies@law.tulane.edu

New Orleans, LA

John Edginton Billings & Solomon frankblaw@aol.com

Barbara Burke Thacher Proffitt & Wood bburke@thacherproffitt.com

George Chandler Hill Rivkins & Hayden hr-tx-gfc@compuserve.com

James Kleiner Hill Betts & Nash kleiner@hillbetts.com

Jim Textor Cichanowicz, Callan bycalan@email.msn.com

Gene George Ray, Robinson, Carle & Davies ggeorge@rayrobcle.com

Remzi G. Kulen New York guvenckulen@usa.net

Glen T. Oxtan Healy & Baillie, LLP goxton@healy.com

New York, NY