CM/ECF

Release Notes

For PACER Users

District Release 6.3

January 2019

CONTENTS

Update Summary

Date	Section	Change
January 2019	All	Created document

1 *Exempt Public Users*

For exempt public users, billing transactions and the corresponding receipts will include new information such as the PACER fee exemption flag and status (the user's PACER account ID).

2 Change PACER Exemption Status

Release 6.3 introduces new functionality for users who are exempt from Electronic Public Access fees assessed in specific cases. These users will be responsible for setting or changing the value dependent upon the circumstances or cases for which they are exempt. The new Change My Exemption Status utility appears on the Release 6.3 Menu Items.

- When a user who is always exempt logs in, or when a user who is sometimes exempt has just changed his status to exempt (after logging in): a visual indicator with the words **PACER fee: Exempt** appears in bold red text on the Selection Criteria pages for billable reports and queries.
- When a user is using his non-exempt account, the text will read: **PACER fee: Not Exempt**.

Note: The visual indicator only appears on the main query page, the selection criteria page for applicable reports, and on screens prior to viewing PDFs from document hyperlinks.

- If the user is sometimes exempt and accesses another court within the same session, the PACER fee exempt status will not automatically apply in the other court.

Note: The Exemption status does NOT follow the user from one court to another court, and re-validation must occur on the destination server (second server being accessed). The user will be able to set his exempt status using the utility directly, and have the visual indicator appear within the application, regardless of whether the court is a NextGen or CurrentGen court. This solution provides a consistent method for toggling exemption status among all applications making it more user-friendly. After business is completed, it will again be the user's responsibility to set the value back to PACER fee: Not exempt before running any other reports or queries for that should be billed.

3 Nature of Suit (NOS)

The Subcommittee on Judicial Statistics agreed to create a new Nature of Suit (NOS) for cases involving the Telephone Consumer Protection Act (TCPA). A new NOS Code (485) has been created to identify these cases along with new Cause of Action value 47 U.S.C. § 227.

The TCPA, which limits the use of automatic dialers, text messages, faxes, and other automated telephone equipment for telemarketing purposes, was enacted in 1991 and is codified as 47 U.S.C. § 227. From 1991 through 2012, there were very few TCPA cases filed in the federal courts as the majority of circuits had ruled that the statutory language does not grant federal question jurisdiction to private TCPA actions. In 2012 The Supreme Court ruled unanimously in *Mims v. Arrow Fin Servs., LLC*, 565 U.S. 368 (2012), that federal courts have federal question jurisdiction in private TCPA cases, and the number of TCPA filings has increased substantially.

4 Pay.gov Changes

Pay.gov and the U.S. Treasury will decommission the OCI-Interactive interface for agencies to communicate fee collections in December 2020. The OCI interface was used with CM/ECF starting with Release 2.4. Release 6.3 replaces the OCI interface with the Trusted Collection Service – Hosted Collection Page interface. Court staff and filers making payments will notice changes with the new interface.

The payment processing screens have been updated. Here are some important changes:

The Payment Information Screen

- The Application Name on file for the court at Pay.gov now appears as the page header.
- The **ZIP/Postal Code** no longer populates automatically from the user's CM/ECF account information; however, the **Account Holder Name** and the first line of the **Billing Address** still populate automatically.
- The **Country** field no longer defaults to "United States."
- When the **Country** field populates, the **State/Province** and **ZIP/Postal Code** fields become required fields.

On the Payment Receipt Screen:
- The option to receive an email from Pay.gov when a payment is made has been removed.