

United States Court of Appeals

District of Columbia Circuit
Washington, D.C. 20001-2866

Mark J. Langer
Clerk

General Information
(202) 216-7000

AMENDED

NOTICE OF PROPOSED CIRCUIT RULE CHANGES

NOTICE OF PROPOSED ADMINISTRATIVE ORDER REGARDING ELECTRONIC CASE FILING

OPPORTUNITY FOR COMMENT

Notice is hereby given that the court, pursuant to D.C. Circuit Rule 47, proposes amendments to Circuit Rules 25, 36, and 45 to implement the Case Management / Electronic Case Files (CM/ECF) system when it is opened to the public. Notice is also given that the court proposes to issue an Administrative Order Regarding Electronic Case Filing. **This notice is amended to revise the target date for implementation of the CM/ECF system: June 8, 2009 is the projected date to begin electronic filing on a voluntary basis. September 1, 2009 is the projected date for attorneys' mandatory participation in the CM/ECF system.**

Pursuant to Federal Rule of Appellate Procedure 25(a)(2)(D) and 25(c), the proposed amendments to Circuit Rule 25 authorize the filing and service of documents by electronic means. In cases assigned to the court's CM/ECF system, the clerk is authorized to permit or to require a party to file by electronic means, and to require paper copies of any document filed electronically. A party may be exempted from the electronic filing requirements upon motion and a showing of good cause. Proposed Circuit Rule 25(c) provides that registration for the court's CM/ECF system constitutes consent to electronic service. The Notice of Docket Activity that is generated by the court's CM/ECF system constitutes service on all parties who have registered for the CM/ECF system but does not replace the certificate of service required by FRAP 25.

Proposed amendments to Circuit Rules 36 and 45 adapt the clerk's duties for maintaining the docket to authorize electronic filing, which will constitute entry on the docket as required by FRAP. New provisions are added for electronic notice and service by the court of orders, judgments, and opinions to parties who have so consented.

The court also invites public comment on the proposed Administrative Order Regarding Electronic Case Filing, which sets out provisions that will govern in cases before the court. The administrative order addresses the procedures and mechanics of the CM/ECF system and may be amended from time to time as necessary, with or without prior notice, by further order of the court. The use of an administrative order is intended to give the court more flexibility to deal with unforeseen problems brought to

the court's attention by ECF filers, to make adjustments as needed once the system is in operation, and to accommodate technological developments.

OPPORTUNITY FOR COMMENT

Comments on the proposed amendments and administrative order may be submitted to the court's Advisory Committee on Procedures within 45 days from the date of the publication of this Notice in *The Daily Washington Law Reporter*. Written comments should be sent to:

Advisory Committee on Procedures
c/o Clerk of Court
United States Court of Appeals for the D.C. Circuit
333 Constitution Avenue, N.W.
Washington, D.C. 20001

The Committee will consider any comments received from interested persons and organizations and formulate recommendations to the court.

Copies of this Notice have been published this day by the means specified in D.C. Circuit Rule 47(c).

/s/ Mark J. Langer
Mark J. Langer, Clerk

Date of Publication of Notice: February 12, 2009

NOTE: The text of the proposed changes and administrative order is available on the court's web site at www.cadc.uscourts.gov under "Announcements."