

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF VIRGINIA

CLERK'S OFFICE U.S. DIST COURT
AT ROANOKE, VA
FILED

FEB 02 2004

IN RE: PROCEDURAL RULES FOR
ELECTRONIC CASE FILING

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STANDING ORDER

JOHN F. CORCORAN, CLERK
BY: *J. Clark*
DEPUTY CLERK

Federal Rules of Civil Procedure 5 and 83 and Federal Rule of Criminal Procedure 57 authorize courts to establish practices and procedures for the filing, signing, and verification of documents by electronic means.

IT IS THEREFORE ORDERED:

I. The Clerk of the District Court is authorized to implement and publish *Administrative Procedures for Filing, Signing, and Verifying Pleadings and Papers by Electronic Means* ("electronic filing procedures") in the District Court, including the procedure for registration of attorneys and for distribution of user login identifications and passwords to permit electronic filing and notice of pleadings and other papers.

II. The official court record in all cases commenced on or after the effective date of this order shall be the electronic file maintained in the court's Case Management/Electronic Case Files ("CM/ECF") servers together with any paper attachments and exhibits filed in accordance with the electronic procedures.

III. The electronic filing of a petition, pleading, motion, or other paper by an attorney who is a registered participant in the court's CM/ECF system shall constitute the signature of that attorney under Federal Rule of Civil Procedure 11 and for all other purposes.

IV. No attorney shall knowingly permit or cause to permit his/her password to be utilized by anyone other than an authorized employee of his/her law firm.

V. No person shall knowingly utilize or cause another person to utilize the password of a registered attorney unless such person is an authorized employee of that attorney's law firm.

VI. The electronic filing of a pleading or other paper in accordance with the electronic filing procedures shall constitute entry of that pleading or other paper on the docket kept by the Clerk under Federal Rule of Civil Procedure 79 and Federal Rule of Criminal Procedure 55.

VII. The Office of the Clerk or chambers staff at the direction of the judge to whom a case is assigned shall enter all orders, decrees, judgments, and proceedings of the court in accordance with the electronic filing procedures, which shall constitute entry of the order, decree, judgment, or proceeding on the docket kept by the Clerk under Federal Rule of Civil Procedure 58 and Federal Rule of Criminal Procedure 55.

VIII. Service

- A. Whenever a pleading or other paper is filed electronically in accordance with the electronic filing procedures, the court's CM/ECF system shall serve the filing party with a "Notice of Electronic Filing" by electronic means at the time of docketing.
- B. The filing party shall serve the pleading or other paper upon all persons entitled to notice or service in accordance with the applicable rules, or, if service by first class mail is permitted under the rules, the filing party may make service on registered participants in the court's CM/ECF system in accordance with sub-paragraph C below.
- C. If the recipient of notice or service is a registered participant in the court's CM/ECF system, service by electronic means of the "Notice of Electronic Filing" with a hyperlink to the document shall be the equivalent of service of the pleadings or other paper by first class mail, postage prepaid.
- D. Service by electronic means is complete on transmission.
- E. Service by electronic means is not effective if the party making service learns that the attempted service did not reach the person to be served.

IX. Participation in the court's CM/ECF system by receipt of a user login identification and password from the court shall constitute a request for and consent to service and notice electronically pursuant to Federal Rule of Civil Procedure 5(b)(2)(D) and Federal Rule of Criminal Procedure 49. Participants in the CM/ECF system, by receiving a user login identification and password from the court, agree to receive service by electronic means.

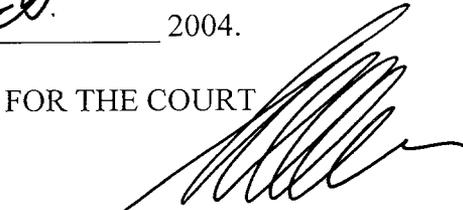
X. All attorneys appearing before this court on or after December 13, 2004 shall be required to file all documents electronically, unless otherwise authorized by the presiding judge or the electronic filing procedures.

XI. The effective date of this Standing Order is February 9, 2004.

IT IS SO ORDERED.

Dated this 2nd day of Feb. 2004.

FOR THE COURT



Samuel G. Wilson
Chief Judge

A TRUE COPY, TESTE:
JOHN F. CONCORAN, CLERK
BY: 
DEPUTY CLERK