

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

FILED BY rw D.C.

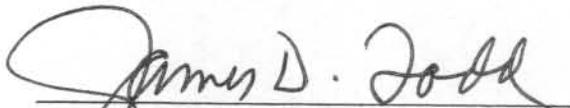
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Effective Jan. 1, 2006

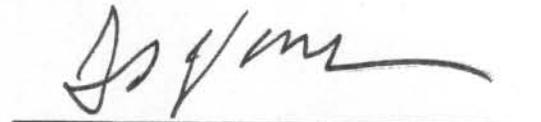
THOMAS M. GOULD
CLERK, U.S. DISTRICT COURT
W/D OF TN, MEMPHIS

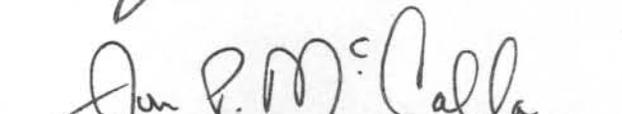
Re: Adoption of Local Rules) Administrative Order
for the Implementation of) No. 2005-26
Electronic Case Filing ("ECF"))

This Administrative Order adopts the attached three Local Rules, Nos. 5.1, 5.2 and 11.1, as part of the implementation process for Electronic Case Filing ("ECF") in this Court effective January 1, 2006. Copies of these new Local Rules shall be forwarded by the Clerk of Court to the Circuit Executive for the Sixth Circuit Judicial Council for its review. These new Local Rules become effective as of January 1, 2006 and shall remain in effect until altered, amended or revoked by further action of this Court.

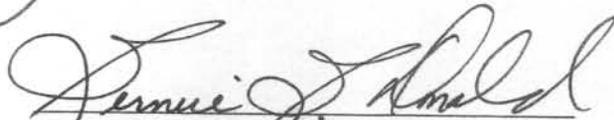
Dated: 13 December 2005


James D. Todd, Chief Judge


Samuel H. Mays, Judge


Jon P. McCalla, Judge


J. Daniel Breen, Judge


Bernice B. Donald, Judge

Attachments (3)

gould-ao-3localrulesforecf-d1-121305

Local Rule 5.1

L.R. 5.1 Adoption of Electronic Case Filing ("ECF")

(a) Effective January 1, 2006, all papers in all cases active as of that date or commencing on or after that date, including all civil, criminal and miscellaneous cases, shall be filed electronically through the Court's Electronic Case Filing ("ECF") system. Exceptions to this mandatory electronic filing shall be only upon order of the Court pursuant to motion for good cause shown or shall be those exceptions provided under Court policy, which generally relate to grand jury matters, law enforcement activities, and investigatory proceedings.

(b) Mandatory electronic filing also applies to case-initiating papers, such as civil complaints, criminal complaints, indictments, informations and other documents filed with the Court that creates a new case and new case number on the Court's docket. An appeal to the Court of Appeals is also considered to be a case-initiating paper. Reference is made, however, to the need to effectuate traditional Rule 4 service when initiating a new case despite such electronic filing (See, Local Rule 5.2 on "Service").

(c) The Clerk of Court is hereby authorized and instructed to promulgate, periodically update and administer written policies and procedures for the effective implementation and creation of the Court's Electronic Case Filing System, which shall be set forth in the Court's Electronic Case Filing Policies and Procedures Manual.

(d) This Local Rule supersedes any and all inconsistent provisions in existing Local Rules, such as, for example only, the requirement of filing complaints, pleadings and other papers (See, Local Rule 83.7).

This Local Rule 5.2 becomes effective January 1, 2006.

Local Rule 5.2

L.R. 5.2 Service.

(a) Fed. R. Civ. P. 5(b) and Fed. R. Crim. P. 49(b) do not permit electronic service of process for purposes of obtaining personal jurisdiction, i.e., Rule 4 service. Therefore, service of process under Rule 4 must be effectuated in the traditional manner and cannot be completed electronically through the Court's Electronic Case Filing system ("ECF") or through some other electronic means.

(b) Whenever a court document is filed electronically, in accordance with this Court's Electronic Case Filing Policies and Procedures Manual, the ECF system will generate a Notice of Electronic Filing ("NEF") to all Filing Users associated with that case, to the Judge to whom that case is assigned and to other individuals designated as NEF recipients in that case.

(c) As defined in this Court's Electronic Case Filing Policies and Procedures Manual, a "Filing User" is a registered attorney who has a district court-issued login and password to file papers electronically over the Internet into the Western District of Tennessee.

(d) If the recipient of the NEF generated by such electronic filing is a Filing User, the NEF shall constitute service of the document filed as if by first class mail, and if two or more attorneys appear on behalf of a party, service on one shall be deemed sufficient, unless otherwise ordered by the Court or required by law.

(e) The generation of an NEF notwithstanding, a Certificate of Service on all parties entitled to service or notice is still required where a party files a paper electronically. This Certificate of Service must state the manner in which service or notice was accomplished on each party so served, and such Certificate of Service may be included as part of the document served rather than as a separate filing. A sample of such Certificate of Service is included in this Court's Electronic Case Filing Policies and Procedures Manual.

(f) Any party who is not a Filing User is entitled to a paper copy of any document filed electronically, and service of such paper copy must be made according to the Federal Rules of Civil and Criminal Procedure and any applicable Local Rules.

This Local Rule 5.2 becomes effective on January 1, 2006.

Local Rule 11.1

L.R. 11.1 Signatures.

(a) The Filing User's login and password shall serve as that Filing User's signature on all papers filed electronically with the Court. They serve as a signature for purposes of Fed. R. Civ. P. 11, all other civil and criminal rules, all local rules, and for any other purpose for which a signature is required in connection with proceedings before the Court.

(b) Every paper filed electronically must include a signature block containing the Filing User's name, attorney bar number (if applicable), firm name (if applicable), street address, telephone number, and primary E-Mail address. In addition, the name of the Filing User under whose login and password the paper is filed must be preceded by a "s/" typed in the space where the Filing User's ink signature would otherwise appear.

SAMPLE: s/Name of Filing User
 Attorney Bar Number
 Firm Name
 Street Address
 City/State/Zip Code
 Telephone No. (xxx)xxx-xxxx
 Primary E-Mail Address

(c) A paper containing the signature of a defendant in a criminal case shall be scanned and filed by the Filing User or court personnel.

(d) A paper requiring the signature of more than one party shall be electronically filed by:

(1) Submitting a scanned paper containing all of the necessary signatures; or

(2) Submitting a paper electronically signed by one of the parties (or counsel) but also representing the consent of the other parties in each of the appropriate signature lines in the same manner that third party consents are noted on paper filings; or

(3) Any other manner approved by the Court.

This Local Rule 11.1 becomes effective on January 1, 2006.