

# United States Court of Appeals

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

Mark J. Langer  
Clerk

General Information  
(202) 216-7000

## **NOTICE OF FINAL RULES AND ADMINISTRATIVE ORDER REGARDING ELECTRONIC CASE FILING**

The court's Case Management/Electronic Case Files (CM/ECF) system will be opened to the public on a voluntary basis beginning June 8, 2009. September 1, 2009 is the projected date for attorneys' mandatory participation. Pursuant to D.C. Circuit Rule 47, the court proposed amendments to Circuit Rules 25, 36, and 45 to implement the CM/ECF system. The proposed amendments were published for public comment on February 12, 2009, along with a proposed Administrative Order Regarding Electronic Case Filing. No comments were directed to the proposed amendments to Circuit Rules 25, 36, and 45, and the court has ordered the amendments be adopted effective June 8, 2009.

Pursuant to Federal Rule of Appellate Procedure 25(a)(2)(D) and 25(c), the new Circuit Rule 25(a) authorizes 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. The new 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. The 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 Administrative Order Regarding Electronic Case Filing sets out 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.

Three substantive comments were received pertaining to various aspects of the proposed administrative order. In light of those comments, the court has approved

some modifications to the original proposal. The main change is to allow paper copies of non-emergency documents to be mailed to the court within two business days of the ECF filing (instead of requiring mailing on the same day as the electronic filing). Also, the administrative order will explicitly authorize attachments and appendix items to be submitted in scanned PDF format. In addition, the court wishes to emphasize that all litigants must comply with Federal Rule of Appellate Procedure 25(a)(5) and take all necessary precautions to protect the privacy of parties, witnesses, and others whose personal information appears in court filings. Sensitive personal data must be removed from documents filed with the court and made available to the public – whether electronically or on paper. ECF filers must comply with the privacy provisions set out in the administrative order, which has been modified at ECF-9, to inform filers that guidance on redacting personal data identifiers is posted on the court’s web site and must be followed.

The court has ordered the Administrative Order Regarding Electronic Case Filing be entered to govern all cases in the CM/ECF system, effective June 8, 2009. ECF filers must consult and comply with the administrative order and CM/ECF procedures posted on the court’s web site.

Finally, the court has ordered amendments to Circuit Rules 8, 12, 15, 18, 27, 28, 30, and 31, be adopted effective June 8, 2009, as part of the court’s final action to implement the CM/ECF proposal. The proposed amendments clarify the requirements for service when an emergency motion, or motion to extend time or exceed the length limits, is not filed electronically or the party to be served is not an ECF filer (Rules 8, 18, 27, and 28). In addition, based on the comments generated by the proposed administrative order, the court has reduced the number of paper copies of certain filings – in ECF and non-ECF cases alike. The number of paper copies that must be filed has been reduced for docketing statements (Rules 12 and 15), appendices (Rule 30), and briefs (Rules 31). The court has likewise approved revisions to the Circuit’s Handbook of Practice and Internal Procedures based on the new CM/ECF rules and procedures.

The Administrative Order Regarding Electronic Case Filing and extracts from the Rules and Handbook reflecting the amendments will be available on the Court’s web site commencing May 15, 2009, at [www.cadc.uscourts.gov](http://www.cadc.uscourts.gov) under “Announcements” and “Rules & Operating Procedures.” A revised version of the Circuit Rules and Handbook will be posted on the web site as of June 8, 2009.

Issued: May 15, 2009

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