

**Amendments to Circuit Rules 25, 36, and 45  
(effective June 8, 2009)**

**Circuit Rule 25**

**Filing and Service**

[(a), (b), and (c) are new. Current text is contained in (d), which has been revised by adding underlined text and deleting portions marked by strike-outs.]

**(a) Filing by Electronic Means.** The court will accept for filing documents submitted, signed, or verified by electronic means that comply with procedures established by the court. In cases assigned to the court's Case Management/Electronic Case Files (CM/ECF) system, the clerk is authorized to permit or to require a party to file by electronic means. The clerk also may require paper copies of any document filed electronically.

**(b) Exceptions.** Upon motion and a showing of good cause, the court may exempt a party from the electronic filing requirements and authorize filing by means other than use of the CM/ECF system.

**(c) Service of Documents by Electronic Means.** Registration for the court's CM/ECF system constitutes consent to electronic service of all documents as provided in these rules and the Federal Rules of Appellate Procedure. The Notice of Docket Activity that is generated by the court's CM/ECF system constitutes service of the filed document on all parties who have consented to electronic service. For any document that is not filed electronically and for any party who has not consented to electronic service, the document must be served by an alternative method of service, in accordance with the Federal Rules of Appellate Procedure and this court's rules. The Notice of Docket Activity generated by the court's CM/ECF system does not replace the certificate of service required by FRAP 25.

**(d) Non-Electronic Filing.** When electronic filing is not utilized, a ~~A~~ non-emergency paper may be filed at the United States court house after the regular hours of the clerk's office pursuant to procedures established by the clerk's office. ~~See Circuit Rule 27(f).~~ In emergencies or other compelling circumstances, when electronic filing is not utilized, the clerk may authorize that papers be filed with the court through facsimile transmission. Except when specifically so permitted, such filing is not authorized.

See also Circuit Rule 27(a)(1) (Motions), and Circuit Rule 45(b) (Clerk's Duties, Office Hours).

**Circuit Rule 36**

**Entry of Judgment; Notice;  
Decisions of the Court; ~~Opinions and Abbreviated Dispositions~~**

[(a) and (b) are new, with a corresponding change in the title of the rule to conform more closely with FRAP 36.]

**(a) Entry.** In cases assigned to the court’s Case Management/Electronic Case Files (CM/ECF) system, all judgments will be filed electronically in accordance with Circuit Rule 25 and the procedures established by the court. That filing constitutes entry of the judgment on the docket as required by FRAP 36(a).

**(b) Notice.** Upon the entry of the judgment in a case assigned to the CM/ECF system, the clerk will electronically transmit a Notice of Docket Activity to all parties who have consented to electronic service. Electronic transmission of the Notice of Docket Activity constitutes the notice and service required by FRAP 36(b) and 45(c). For any party who has not consented to electronic service, the clerk must serve in paper form a copy of the opinion or the judgment, if no opinion was written, which notes the date the judgment was entered.

**(a c) Opinions of the Court.**

\* \* \* \* \*

**(b d) Abbreviated Dispositions.**

\* \* \* \* \*

**(e e) Unpublished Opinions.**

\* \* \* \* \*

**(d f) Motion to Publish.**

\* \* \* \* \*

## Circuit Rule 45

### Clerk's Duties; Fees for Services

[(c) and (d) are new. (f) adds "paper" to the last sentence.]

**(a) Attendance at Sessions.**

\* \* \* \* \*

**(b) Office Hours.**

\* \* \* \* \*

**(c) Entry of Court-Issued Documents.** Except as otherwise provided by these rules or court order, all orders, opinions, judgments, and other documents issued by the court in cases assigned to the court's Case Management/Electronic Case Files (CM/ECF) system will be filed electronically in accordance with Circuit Rule 25 and the procedures established by the court. Any such filing constitutes under FRAP 36 and 45(b) entry on the docket maintained by the clerk. Any order, judgment, or other court-issued document filed electronically without the original signature of a judge or authorized court personnel has the same force and effect as if the judge or clerk had signed a paper copy. Orders also may be issued as "text-only" entries on the docket, without an attached document. Such orders are official and binding.

**(d) Notice of Orders and Judgments.** Immediately upon the entry of an order or judgment in a case assigned to the CM/ECF system, the clerk will electronically transmit a Notice of Docket Activity to all parties who have consented to electronic service. Electronic transmission of the Notice of Docket Activity constitutes the notice and service required by FRAP 36(b) and 45(c). For any party who has not consented to electronic service, the clerk must immediately serve in paper form a notice of entry with a copy of any opinion.

**(e e) Fees for Services.**

\* \* \* \* \*

**(d f) Printed Copies of Opinions.** For each printed copy of the decision in a case, including all separate and dissenting opinions, the clerk will charge such sum as the court may from time to time direct, and copies may be supplied without charge or at such reduced charge as the court may from time to time designate. Each party in a case will receive 2 paper copies of the decision without charge.

**(e g) Other Fees Not Authorized.**

\* \* \* \* \*