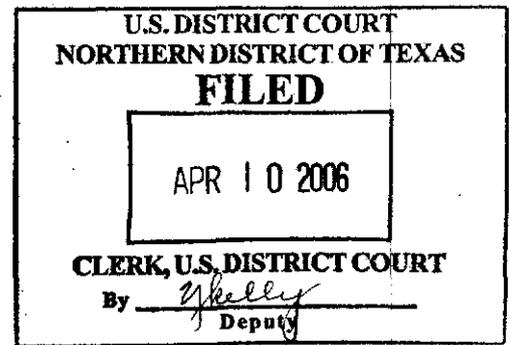


UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF TEXAS



Special Order No. 2- 63

1. The District Judges of this Court have considered and adopted the attached amendments to the local civil and criminal rules of this Court. These amendments contain general revisions and an Electronic Case Filing ("ECF") Package. General revisions are proposals that are part of the court's ongoing process to improve the rules. These revisions amend LR 7.1(i)(3), 56.6(b)(2), and 83.18, repeal LR 12.1, and amend LCvR 53.1. The ECF Package consists of changes made necessary by the court's implementation of ECF. The ECF Package amends LR 1.1, 4.1, 5.1, 7.1, 10.1, 15.1, 77.1, 79.1, and 83.13, adopts new LR 11.1, amends LCvR 1.1, 47.1, 49.2, 49.3, 49.4, 55.1, and 57.13, and adopts new LCvR 49.5 and 49.6.
2. Unless modified after receipt of public comment, these rules shall take effect on September 1, 2006 and shall apply to all proceedings in civil and criminal actions thereafter commenced and, insofar as just and practicable, all proceedings in civil and criminal actions then pending.
3. Any persons who desire to comment on any of these rules may do so by submitting written comments to:

Clerk of Court
United States District Court for the Northern District of Texas
Attention: 2006 Rules Revision Comments
1100 Commerce Street, Room 1452
Dallas, Texas 75242-1495

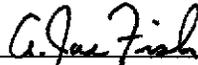
The deadline by which the Clerk must receive comments is June 1, 2006.

4. The Clerk of Court is directed to make the necessary distribution.

SO ORDERED.

April 7, 2006.

FOR THE COURT:



A. JOE FISH, CHIEF JUDGE
UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF TEXAS

**PROPOSED AMENDMENTS TO
LOCAL CIVIL RULES 7.1(i)(3) AND 56.6(b)(2)**

Local Civil Rules 7.1(i)(3) and 56.6(b)(2) are amended as shown below. New material is **redlined** and deleted material is ~~stricken out~~.

LR 7.1 Motion Practice.

Unless otherwise directed by the presiding judge, motion practice is controlled by subsection (h) of this rule. In addition, the parties must comply with the following:

* * *

(i) Requirement of Appendix; Appendix Requirements.

* * *

- (3) Each page of the appendix must measure 8½ x 11 inches. Non-documentary exhibits (*e.g.*, videotapes and other physical exhibits) and oversized exhibits (*e.g.*, maps and schematic drawings) that are included in the appendix must be placed in an envelope that measures ~~8½ x 11~~ **9 x 12** inches.

* * *

LR 56.6 Requirement of Appendix; Appendix Requirements.

* * *

(b) Appendix Requirements.

* * *

- (2) Each page of the appendix must measure 8½ x 11 inches. Non-documentary exhibits (*e.g.*, videotapes and other physical exhibits) and oversized exhibits (*e.g.*, maps and schematic drawings) that are included in the appendix must be placed in an envelope that measures ~~8½ x 11~~ **9 x 12** inches.

REPEAL LOCAL CIVIL RULE 12.1

This Rule is repealed.

~~LR 12.1 — Motion for More Definite Statement:~~

~~— Except for motions complaining of failure to plead fraud or mistake with particularity pursuant to Fed. R. Civ. P. 9(b), a motion for more definite statement may only be filed where the information sought cannot be obtained by discovery.~~

**PROPOSED AMENDMENTS TO
LR 83.18 AND LCrR 53.1**

New material is **redlined**.

LR 83.18 Photographs, Broadcasting, Recording, and Television Forbidden.

No person may photograph, electronically record, televise, or broadcast a judicial proceeding. No person may possess, on any floor of a building on which is located a courtroom, jury assembly room, or any room in which a jury is being impaneled, any equipment or device capable of photographing, electronically recording, televising, or broadcasting a judicial proceeding. This rule shall not apply to ceremonial proceedings or electronic recordings by an official court reporter or other authorized court personnel. **By miscellaneous order, the court may make exceptions to this rule.**

LCrR 53.1 Photographs, Broadcasting, Recording, and Television Forbidden.

No person may photograph, electronically record, televise, or broadcast a judicial proceeding. No person may possess, on any floor of a building on which is located a courtroom, jury assembly room, or any room in which a jury is being impaneled, any equipment or device capable of photographing, electronically recording, televising, or broadcasting a judicial proceeding. This rule shall not apply to ceremonial proceedings or electronic recordings by an official court reporter or other authorized court personnel. **By miscellaneous order, the court may make exceptions to this rule.**

**PROPOSED AMENDMENTS TO THE
LOCAL CIVIL RULES TO FACILITATE
IMPLEMENTATION OF
ELECTRONIC CASE FILING**

New material is **redlined** and deleted material is ~~stricken out~~.

LR 1.1 Definitions.

Unless the context indicates a contrary intention, the following definitions apply in these rules:

* * *

(f) ECF. The term “ECF” means electronic case files and refers to the court’s web-based document filing system that allows a document to be transmitted, signed, or verified by electronic means in a manner that is consistent with technical standards established by the Judicial Conference of the United States.

LR 4.1 Proof of Service or of Waiver of Service.

Proof of service or of waiver of service must be made by filing with the clerk an original, and, **when submitted on paper**, one copy of the summons, affidavit, or executed waiver.

LR 5.1 Filing of and Serving Pleadings, Motions, or Other Papers.

- (a) **Filing with the Clerk.** All A pleadings, motions, or other papers that the Federal Rules of Civil Procedure permit or require to be filed, or that the court orders to be filed, that is submitted on paper, must be filed with the clerk's office for the appropriate division. Such pleadings, motions, or other papers shall must not be sent directly to the presiding judge.
- (b) **Duplicates Required.** An original and one copy of each pleading, motion, or other paper that is submitted on paper must be filed with the clerk.

* * *

- (d) **Serving by Electronic Means.** Delivery of the notice of electronic filing that is automatically generated by ECF constitutes service under Fed. R. Civ. P. 5(b)(2)(D) on each party who is a registered user of ECF.
- (e) **Electronic Filing Permitted.** In a case designated by the presiding judge as an ECF case, the clerk will accept any pleading, motion, or other paper submitted by an attorney (other than a party proceeding pro se) for filing by electronic means, subject to the restrictions and requirements of the ECF Administrative Procedures Manual.

LR 7.1 Motion Practice.

* * *

- (c) **Proposed Order.** ~~An unopposed motion must be accompanied by an agreed proposed order, signed by the attorneys or parties and set forth on a separate document.~~ Except for an opposed motion that is submitted on paper, each motion must be accompanied by a proposed order that is set forth separately. An agreed proposed order must be signed by the attorneys or parties.

* * *

LR 10.1 Required Form.

In addition to the requirements of the Federal Rules of Civil Procedure, each pleading, motion, or other paper must:

* * *

- (b) contain a signature block that sets forth the attorney's bar number for the jurisdiction in which the attorney is admitted to practice, and a facsimile number **and e-mail address** where information may be sent to the attorney;
- (c) **use a page size of** ~~be filed on paper measuring~~ 8½ x 11 inches;

* * *

- (e) **when submitted on paper**, unless otherwise provided by the local civil rules **or order of the presiding judge**, be two-hole punched at the top and either stapled in the upper, left-hand corner or secured with a durable fastener at the top.

LR 11.1 Electronic Signature.

- (a) **What Constitutes Electronic Signature.** The signature of an attorney who submits a pleading, motion, or other paper for filing by electronic means is the login and password issued to the attorney by the clerk.
- (b) **Requirements for Electronic Signature.** An attorney who submits a document for filing by electronic means must place on the document an “s/” and the typed name of the attorney, or a graphical signature, in the space where the attorney’s signature would have appeared had the document been submitted on paper.
- (c) **Certification of Signature of Another Person.** By submitting a document by electronic means and representing the consent of another person on the document, an attorney who submits the document certifies that the document has been properly signed.
- (d) **Requirements for Another Person’s Electronic Signature.** An attorney who submits a document by electronic means that is signed by another person—including by a moving party under LR 40.1—must:
 - (1) include a scanned image of the other person’s signature, or represent the consent of the other person in a manner permitted or required by the presiding judge;
 - (2) maintain the signed paper copy of the document for five years after final disposition of the case; and
 - (3) upon request of the presiding judge or clerk, provide the signed paper copy of the document.

LR 15.1 Motions to Amend.

(a) Paper Pleadings.

When a party who moves for leave to file an amended pleading ~~that, if leave is granted, will be submitted on paper, the party~~ must attach a copy of the proposed amended pleading as an exhibit to the motion. The party must also submit with the motion an original and a second copy of the proposed pleading. The original and second copy must neither be physically attached to the motion nor made exhibits to the motion. The original of the proposed pleading must contain the original signature of the signing attorney.

(b) Electronic Pleadings.

In a case designated by the presiding judge as an ECF case, the clerk will accept a motion to amend submitted by an attorney (other than a party proceeding pro se) for filing by electronic means, subject to the restrictions and requirements of the ECF Administrative Procedures Manual.

LR 77.1 Notice of Orders and Judgments.

(a) Furnishing Copies of Orders and Judgments. Unless the presiding judge otherwise directs, the clerk shall furnish a copy of each order and judgment to counsel of record by first class mail or, where the clerk has the capability to do so, by ~~facsimile~~ **electronic** transmission. To receive orders and judgments by ~~facsimile~~ **electronic** transmission, the attorney of record must sign an agreement form provided by the clerk, and must comply with the applicable procedures established by the clerk. Where a party is represented by more than one attorney of record, the attorney designated in accordance with LR 77.1(b) or (c) shall receive copies of orders and judgments and distribute them to co-counsel for the same party: **who have not received a notice of electronic filing from ECF.**

* * *

LR 79.1 Case Files.

* * *

(b) Inspection of Files. Except as otherwise limited by rule or by court order, The electronic portion of an original file in each a pending or closed case shall be available for public inspection in the clerk's office. The paper portion of an original file shall be available in the division where the case is filed: , unless the file has been removed to a federal records center. The clerk shall not release the paper portion of a file from the clerk's custody without the permission of the presiding judge, or except as permitted by subsection (d) of this rule.

~~(c) — Inspection of Closed Files. The file in a closed case shall be available for public inspection in the clerk's office in the division where the case was filed, unless the file has been removed to the appropriate federal records center.~~

* * *

LR 83.13 Change of Address Contact Information or Name.

(a) Attorney Who is Not a Registered User of ECF.

When an attorney admitted to practice in this district and who is not a registered user of ECF changes the attorney's business address, e-mail address, telephone number, facsimile number, or name, the attorney shall, within 30 days, must promptly notify the clerk, using the approved method, and the presiding judge, in writing, in each pending case. file notice of the change with the clerk, using the approved form. On the form, the attorney shall list the style and docket number of all cases that the attorney has pending before this court.

(b) Attorney Who is a Registered User of ECF.

When an attorney admitted to practice in this district and who is a registered user of ECF changes the attorney's business address, e-mail address, telephone number, facsimile number, or name, the attorney must promptly change this information in ECF, following procedures set forth in the ECF Administrative Procedures Manual.

**PROPOSED AMENDMENTS TO THE
LOCAL CRIMINAL RULES TO FACILITATE
IMPLEMENTATION OF
ELECTRONIC CASE FILING**

New material is **redlined** and deleted material is ~~stricken out~~.

LCrR 1.1 Definitions.

Unless the context indicates a contrary intention, the following definitions apply in these rules:

* * *

(e) ECF. The term “ECF” means electronic case files and refers to the court’s web-based document filing system that allows a document to be transmitted, signed, or verified by electronic means in a manner that is consistent with technical standards established by the Judicial Conference of the United States.

LCrR 47.1 Motion Practice.

Unless otherwise directed by the presiding judge, motion practice is controlled by subsection (h) of this rule. In addition, the parties must comply with the following:

* * *

(c) Proposed Order. An unopposed motion must be accompanied by an agreed proposed order, signed by the attorneys or parties. An opposed motion **that is submitted on paper** must be accompanied by a proposed order, **set forth on a separate document**, unless an order is not required by subsection (h) of this rule. ~~A proposed order must be set forth on a separate document.~~

* * *

LCrR 49.2 Filing of and Serving Pleadings, Motions, or Other Papers.

(a) **Filing with the Clerk.** Except for discovery material, All a pleadings, motions, or other papers that the Federal Rules of Criminal Procedure permit or require to be filed, ~~except discovery materials~~ that is submitted on paper, must be filed with the clerk's office for the appropriate division. Such pleadings, motions, or other papers shall ~~shall~~ **must** not be sent directly to the presiding judge.

(b) **Duplicates Required.** An original and one copy of each pleading, motion, or other paper that is submitted on paper must be filed with the clerk.

* * *

(e) **Serving by Electronic Means.** Delivery of the notice of electronic filing that is automatically generated by ECF constitutes service under Fed. R. Crim. P. 49(b) on each party who is a registered user of ECF.

(f) **Electronic Filing Permitted.** In a case designated by the presiding judge as an ECF case, the clerk will accept any pleading, motion, or other paper submitted by an attorney (other than a party proceeding pro se) for filing by electronic means, subject to the restrictions and requirements of the ECF Administrative Procedures Manual.

LCrR 49.3 Required Form.

In addition to the requirements of the Federal Rules of Criminal Procedure, each pleading, motion, or other paper must:

* * *

(b) contain a signature block that sets forth the attorney's bar number for the jurisdiction in which the attorney is admitted to practice, and a facsimile number and e-mail address where information may be sent to the attorney;

(c) use a page size of ~~be filed on paper~~ measuring 8½ x 11 inches;

* * *

(e) when submitted on paper, unless otherwise provided by the local criminal rules or order of the presiding judge, be two-hole punched at the top and either stapled in the upper, left-hand corner or secured with a durable fastener at the top.

LCrR 49.4 Notice of Orders and Judgments.

(a) **Furnishing Copies of Orders and Judgments.** Unless the presiding judge otherwise directs, the clerk shall furnish a copy of each order and judgment to counsel of record by first class mail or, where the clerk has the capability to do so, by ~~facsimile~~ **electronic** transmission. To receive orders and judgments by ~~facsimile~~ **electronic** transmission, the attorney of record must sign an agreement form provided by the clerk, and must comply with the applicable procedures established by the clerk. Where a party is represented by more than one attorney of record, the attorney designated in accordance with LCrR 49.4 (b) or (c) shall receive copies of orders and judgments and distribute them to co-counsel for the same party: **who have not received a notice of electronic filing from ECF.**

LCrR 49.5 Electronic Signature.

- (a) **What Constitutes Electronic Signature.** The signature of an attorney who submits a pleading, motion, or other paper for filing by electronic means is the login and password issued to the attorney by the clerk.
- (b) **Requirements for Electronic Signature.** An attorney who submits a document for filing by electronic means must place on the document an “s/” and the typed named of the attorney, or a graphical signature, in the space where the attorney’s signature would have appeared had the document been submitted on paper.
- (c) **Certification of Signature of Another Person.** By submitting a document by electronic means and representing the consent of another person on the document, an attorney who submits the document certifies that the document has been properly signed.
- (d) **Requirements for Another Person’s Electronic Signature.** An attorney who submits a document by electronic means that is signed by another person—other than a charging document or a document signed by a defendant—must:
- (1) include a scanned image of the other person’s signature, or represent the consent of the other person in a manner permitted or required by the presiding judge;
 - (2) maintain the signed paper copy of the document for five years after final disposition of the case; and
 - (3) upon request of the presiding judge or clerk, provide the signed paper copy of the document.

LCrR 49.6 Requirement of Paper Copies of Certain Electronically-Filed Documents.

When a charging document—including a complaint, information, indictment, or superseding indictment—or any document signed by a criminal defendant is submitted by electronic means, the attorney who submitted the document must deliver an original, signed paper document to the clerk within three days.

LCrR 55.1 Case Files.

* * *

(b) Inspection of Files. Except as otherwise limited by rule or by court order, The electronic portion of an original file in each a pending or closed case shall be available for public inspection in the clerk’s office. The paper portion of an original file shall be available in the division where the case is filed: , unless the file has been removed to a federal records center. The clerk shall not release the paper portion of a file from the clerk’s custody without the permission of the presiding judge, or except as permitted by subsection (d) of this rule.

~~(c) — Inspection of Closed Files. The file in a closed case shall be available for public inspection in the clerk’s office in the division where the case was filed, unless the file has been removed to the appropriate federal records center.~~

* * *

LCrR 57.13 Change of Address Contact Information or Name.

(a) Attorney Who is Not a Registered User of ECF.

When an attorney admitted to practice in this district and who is not a registered user of ECF changes the attorney’s business address, e-mail address, telephone number, facsimile number, or name, the attorney shall, within 30 days, must promptly notify the clerk, using the approved method, and the presiding judge, in writing, in each pending case. file notice of the change with the clerk, using the approved form. On the form, the attorney shall list the style and docket number of all cases that the attorney has pending before this court.

(b) Attorney Who is a Registered User of ECF.

When an attorney admitted to practice in this district and who is a registered user of ECF changes the attorney’s business address, e-mail address, telephone number, facsimile number, or name, the attorney must promptly change this information in ECF, following procedures set forth in the ECF Administrative Procedures Manual.