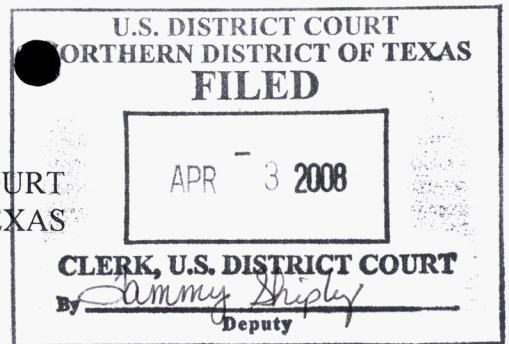


IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF TEXAS

Special Order No. 2-67



1. The District Judges of this Court have considered and adopted the attached amendments to the local civil and criminal rules of this Court. The following local civil rules are amended: LR 1.1(f), 3.1, 4.1, 5.1(b), 5.1(d), 5.1(e), 7.4, 11.1(d), 15.1, 77.1(a), 79.1(a), 79.3, 79.4, 81.1, 81.2, and 83.13. The following local civil rules are added: LR 1.1(g), 3.2, 5.1(f), and 6.1. The following local criminal rules are amended: LCrR 1.1(f), 49.1, 49.2(b), 49.2(f), 49.5(d), 55.1(a), 55.3, 55.4, and 57.13. The following local criminal rules are added: LCrR 1.1(g), 45.1, and 49.2(g).
2. Unless modified after receipt of public comment, these rules shall take effect on September 1, 2008 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: 2008 Rules Revision Comments
1100 Commerce Street, Room 1452
Dallas, Texas 75242-1495


The deadline by which the Clerk must receive comments is June 2, 2008.

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

SO ORDERED.

April 1, 2008.

FOR THE COURT:



SIDNEY A. FITZWATER
CHIEF JUDGE

New rules or parts of rules are identified by the bracketed statement “[New rule].” New material in an existing rule 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~~ **filing** 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.

[New rule]

(g) **Judge’s Copy.** The term “judge’s copy” means a paper copy of an original pleading, motion, or other paper that is submitted for use by the presiding judge.

LR 3.1 ~~Filing Complaint.~~

~~When a complaint is filed, the plaintiff must provide the clerk with an original and one copy of the complaint, and with the following:~~

- ~~(a) sufficient copies of the complaint for service on each defendant whom the plaintiff desires to be served;~~
- ~~(b) an original and one copy of a completed civil summons form for each defendant whom the plaintiff desires to be served;~~
- ~~(c) an original and one copy of a civil cover sheet;~~
- ~~(d) the required filing fee or the appropriate application to proceed without prepayment of fees;~~
- ~~(e) two additional copies of the complaint and civil summons form, and the required fee, for each defendant whom the plaintiff desires to be served through an agent authorized by law to receive service of process; and~~

- ~~(f) a separately signed certificate of interested persons that contains a complete list of all persons, associations of persons, firms, partnerships, corporations, guarantors, insurers, affiliates, parent or subsidiary corporations, or other legal entities who or which are financially interested in the outcome of the case. If a large group of persons or firms can be specified by a generic description, individual listing is not necessary.~~

LR 3.1 Filing Complaint by Electronic Means.

A plaintiff may file a complaint by electronic means by following the procedures set forth in the ECF Administrative Procedures Manual. The complaint must be accompanied by:

- (a) a civil cover sheet;
- (b) the required filing fee or the appropriate application to proceed without prepayment of fees; and
- (c) a separately signed certificate of interested persons—in a form approved by the clerk—that contains—in addition to the information required by Fed. R. Civ. P. 7.1(a)—a complete list of all persons, associations of persons, firms, partnerships, corporations, guarantors, insurers, affiliates, parent or subsidiary corporations, or other legal entities that are financially interested in the outcome of the case. If a large group of persons or firms can be specified by a generic description, individual listing is not necessary.

[New rule]

LR 3.2 Filing Complaint on Paper.

To file a complaint on paper, a plaintiff must provide the clerk:

- (a) an original of the complaint;
- (b) a copy of the complaint and a completed civil summons form for each defendant to be served;
- (c) a civil cover sheet;
- (d) the required filing fee or the appropriate application to proceed without prepayment of fees; and

- (e) a separately signed certificate of interested persons—in a form approved by the clerk—that contains—in addition to the information required by Fed. R. Civ. P. 7.1(a)—a complete list of all persons, associations of persons, firms, partnerships, corporations, guarantors, insurers, affiliates, parent or subsidiary corporations, or other legal entities that are financially interested in the outcome of the case. If a large group of persons or firms can be specified by a generic description, individual listing is not necessary.

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.~~ **the summons and any supporting documentation required or allowed by Fed. R. Civ. P. 4, or an executed waiver.**

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

* * *

- (b) ~~Duplicates Required.~~ **Original and Judge's Copy Required.** An original and one **judge's** copy of each pleading, motion, or other paper that is submitted on paper must be filed with the clerk. **If a pleading, motion, or other paper is filed by electronic means, the judge's copy must be submitted following procedures set forth in the ECF Administrative Procedures Manual.**

* * *

- (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~~)(**E**) on each party who is a registered user of ECF.

* * *

- (e) **Electronic Filing Permitted Required.** ~~In a case designated by the presiding judge as an ECF case, the clerk will accept~~ **Unless the presiding judge otherwise directs, an attorney—other than a prisoner pro se party—must file any pleading (except a complaint), 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. A party may, for cause, move to be excused from the**

requirement of electronic filing.

[New rule]

(f) Registration as an ECF User Required. Unless excused for cause, an attorney—other than a prisoner pro se party— must register as an ECF user within ten days of the date the attorney appears in a case, following the registration procedures set forth in the ECF Administrative Procedures Manual.

[New rule]

LR 6.1 Time Deemed Filed.

A pleading, motion, or other paper that is filed before midnight central time of any day will be deemed filed on that day.

LR 7.4 Certificate of Interested Persons.

The initial responsive pleading that a defendant files in a civil action must be accompanied by a separately signed certificate of interested persons that complies with LR 3.1~~(f)~~ **(c) or 3.2(e)**. If the defendant concurs in the accuracy of another party's previously-filed certificate, the defendant may adopt that certificate.

LR 11.1 Electronic Signature.

* * *

(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; **and**
- (2) maintain the signed paper copy of the document for ~~five~~ **one** 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) **When Filed on Paper Pleadings.** When a party ~~moves~~ **files a motion** for leave to file an amended pleading that, if leave is granted, will be **filed** ~~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~~ **judge's** copy of the proposed pleading. The original and ~~second~~ **judge's** 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. **If leave is granted, the clerk will file the original of the amended pleading.**

(b) **When Filed by Electronic Pleadings Means.** When a party **files by electronic means** a motion for leave to file an amended pleading, the party must attach the proposed amended pleading to the motion as an exhibit. **If leave is granted, the party must then electronically file the amended pleading** ~~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 electronic transmission. ~~To receive orders and judgments by 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.**

(a) **Maintenance of Files** **Official Record.** ~~The clerk shall maintain the original case file and docket sheet for each case filed in this district.~~ **The electronic version of a document maintained on ECF, or the paper version of a document not so maintained, is the official record of the court.**

LR 79.3 — Ex Parte and Sealed Documents.

~~(a) Unless exempted by subsection (b) of this rule—~~

- ~~(1) An ex parte document, or a document that a party desires be filed under seal, shall not be filed by the clerk under seal absent an order of a judge of the court directing the clerk to file the document under seal. The term “document,” as used in this rule, means any pleading, motion, other paper, or physical item that the Federal Rules of Civil Procedure permit or require to be filed.~~
- ~~(2) A party who desires to file a document under seal must at the time the document is presented to the clerk for filing either present a motion to file the document under seal or demonstrate that a judge has ordered that the document be filed under seal. If no judge has been assigned to a case in which a motion is filed, the clerk may direct the motion to the duty judge or to another judge of the court for consideration.~~
- ~~(3) The clerk of court shall defer filing an ex parte document, or document that a party desires be filed under seal, until a judge of the court has ruled on the motion to file the document under seal.~~
- ~~(b) The clerk shall file under seal any document that a statute or rule requires or permits to be so filed.~~

LR 79.3 Sealed Documents.

- (a) A party may file under seal any document that a statute or rule requires or permits to be so filed. The term “document,” as used in this rule, means any pleading, motion, other paper, or physical item that the Federal Rules of Civil Procedure permit or require to be filed.
- (b) If no statute or rule requires or permits a document to be filed under seal, a party may file a document under seal only on motion and by permission of the presiding judge.
 - (1) When a party files on paper a motion for leave to file a document under seal, the clerk will file under seal the motion for leave. A copy of the document sought to be filed under seal must be attached as an exhibit to the motion for leave. The party must also submit with the motion for leave the original of the document sought to be filed under seal. The original of the document must neither be physically attached to the motion nor made an exhibit to the motion. If leave to file the document under seal is granted, the clerk will file

the original of the document under seal.

- (2) When a party files by electronic means a motion for leave to file a document under seal, the party may file the motion for leave under seal and must attach the proposed sealed document as an exhibit. If leave is granted, the party will file the document under seal by electronic means.

LR 79.4 Disposition of Sealed Documents.

Unless ~~an order of the court~~ the presiding judge otherwise directs, all sealed documents maintained on paper will be deemed unsealed 60 days after final disposition of a case. A party who that desires that such a document remain sealed must move for this relief before the expiration of the 60-day period. The clerk may store, transfer, or otherwise dispose of unsealed documents according to the procedure that governs publicly available court records.

LR 81.1 Required Form of Documents to be Filed Upon Removal.

(a) The party or parties ~~who~~ that remove a civil action from state court must provide the following to the clerk for filing:

- (1) ~~an original and one copy of~~ a completed civil cover sheet;
- (2) ~~an original and one copy of~~ a supplemental civil cover sheet; and
- (3) ~~an original and one copy of~~ a notice of removal with a copy of each of the following attached to both the original and the judge's copy—
 - (A) an index of all documents that clearly identifies each document and indicates the date the document was filed in state court;
 - (B) a copy of the docket sheet in the state court action;
 - (C) each document filed in the state court action, except discovery material; (if filed on paper, each document must be individually tabbed and arranged in chronological order according to the state court file date; if filed by electronic means, each document must be filed as a separate attachment); and
 - (D) a separately signed certificate of interested persons that complies with LR 3.1(f) (c) or 3.2(e).

(b) ~~If the~~ The documents that ~~listed in~~ subsection (a) of this rule ~~requires to be filed~~ **are filed on paper, they** must be two-hole punched at the top, and either stapled in the upper, left-hand corner or secured at the top with durable fasteners if too thick to staple. If these documents are too voluminous to be filed as a single unit, each unit must be secured in the manner required by this subsection (b) and must contain a cover sheet that identifies the case by its caption and by the civil action number assigned by the clerk.

LR 81.2 Certificate of Interested Persons.

Within 20 days after the notice of removal is filed, the plaintiff shall file a separately signed certificate of interested persons that complies with LR 3.1(f) **(c) or 3.2(e)**. If the plaintiff concurs in the accuracy of another party's previously-filed certificate, the plaintiff may adopt that certificate.

LR 83.13 Change of 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 must promptly notify the clerk, using the approved method, and the presiding judge, in writing, in each pending case.

(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.

LCrR 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~~ **filing** 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.

[New rule]

(g) **Judge’s Copy.** The term “judge’s copy” means a paper copy of an original pleading, motion, or other paper that is submitted for use by the presiding judge.

[New rule]

LCrR 45.1 Time Deemed Filed.

A pleading, motion, or other paper that is filed before midnight central time of any day will be deemed filed on that day.

LCrR 49.1 Filing Criminal Cases.

When a criminal case is filed, the United States must also submit, for each defendant, ~~an original and one copy of~~ a completed criminal-case cover sheet, in the approved form.

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

* * *

(b) ~~Duplicates Required.~~ **Original and Judge’s Copy Required.** An original and one ~~judge’s~~ copy of each pleading, motion, or other paper that is submitted on paper must be filed with the clerk. **If a pleading, motion, or other paper is filed by electronic means, the judge’s copy must be submitted following procedures set forth in the ECF Administrative Procedures Manual.**

* * *

(f) **Electronic Filing Permitted Required.** ~~In a case designated by the presiding judge as an ECF case, the clerk will accept~~ Unless the presiding judge otherwise directs, an attorney—other than a prisoner pro se party—must file any pleading (except an indictment or information), 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. A party may, for cause, move to be excused from the requirement of electronic filing.

* * *

[New rule]

(g) **Registration as an ECF User Required.** Unless excused for cause, an attorney—other than a prisoner pro se party—must register as an ECF user within ten days of the date the attorney appears in a case, following the registration procedures set forth in the ECF Administrative Procedures Manual.

LCrR 49.5 Electronic Signature.

* * *

(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; and
- (2) maintain the signed paper copy of the document for five one 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 55.1 Case Files.

(a) ~~Maintenance of Files~~ **Official Record.** The clerk shall maintain the case file and docket sheet. The electronic version of a document maintained on ECF, or the paper version of a document not so maintained, is the official record of the court.

~~**LCrR 55.3 Ex Parte and Sealed Documents.**~~

~~(a) Unless exempted by subsection (b) of this rule~~

~~(1) An *ex parte* document, or a document that a party desires be filed under seal, shall not be filed by the clerk under seal absent an order of a judge of the court directing the clerk to file the document under seal. The term "document," as used in this rule, means any pleading, motion, other paper, or physical item that the Federal Rules of Criminal Procedure permit or require to be filed.~~

~~(2) A party who desires to file a document under seal must at the time the document is presented to the clerk for filing either present a motion to file the document under seal or demonstrate that a judge has ordered that the document be filed under seal. If no judge has been assigned to a case in which a motion is filed, the clerk may direct the motion to the duty judge or to another judge of the court for consideration.~~

~~(3) The clerk of court shall defer filing an *ex parte* document, or document that a party desires be filed under seal, until a judge of the court has ruled on the motion to file the document under seal.~~

~~(b) The clerk shall file under seal any document that a statute or rule requires or permits to be so filed.~~

LCrR 55.3 Sealed Documents.

- (a) A party may file under seal any document that a statute or rule requires or permits to be so filed. The term “document,” as used in this rule, means any pleading, motion, other paper, or physical item that the Federal Rules of Criminal Procedure permit or require to be filed.
- (b) If no statute or rule requires or permits a document to be filed under seal, a party may file a document under seal only on motion and by permission of the presiding judge.
 - (1) When a party files on paper a motion for leave to file a document under seal, the clerk will file under seal the motion for leave. A copy of the document sought to be filed under seal must be attached as an exhibit to the motion for leave. The party must also submit with the motion for leave the original of the document sought to be filed under seal. The original of the document must neither be physically attached to the motion nor made an exhibit to the motion. If leave to file the document under seal is granted, the clerk will file the original of the document under seal.
 - (2) When a party files by electronic means a motion for leave to file a document under seal, the party may file the motion for leave under seal and must attach the proposed sealed document as an exhibit. If leave is granted, the party will file the document under seal by electronic means.

LCrR 55.4 Disposition of Sealed Documents.

Unless ~~an order of the court~~ the presiding judge otherwise directs, all sealed documents maintained on paper will be deemed unsealed 60 days after final disposition of a case. A party who that desires that such a document remain sealed must move for this relief before the expiration of the 60-day period. The clerk may store, transfer, or otherwise dispose of unsealed documents according to the procedure that governs publicly available court records.

LCrR 57.13 Change of 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, must promptly notify the clerk, using the approved method, and the presiding judge, in writing, in each pending case.

(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.