

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA**

**IN RE: Rule 1.2 of the Local Rules of Criminal Procedure,
*Applicability and Effect of Local Rules***

O R D E R

AND NOW, this 17th day of May 2004, it appearing to the court that Federal Rule of Civil Procedure 5(e) authorizes the Court to establish practices and procedures for the filing, signing, serving and verification of documents by electronic means, and that the Eastern District of Pennsylvania has been selected by the Judicial Conference of the United States to implement an electronic case filing ("ECF") system,

AND it further appearing that this Court is vested with authority, pursuant to 28 U.S.C. §2071(e) and §2077 and Federal Rule of Criminal Procedure 57 to promulgate Local Criminal Rules not inconsistent with the Federal Rules of Criminal Procedure and applicable statutes, the judges of the United States District Court for the Eastern District of Pennsylvania, on April 5, 2004, approved for publication and solicitation of comment the amended *Procedural Order Governing the Format of Documents in Electronic Form*,

- requiring all complaints to be submitted on disk in portable document format (PDF) at the time of filing, so that the complaint may be entered into the District Court's ECF system, accompanied by a courtesy copy of the complaint in paper format for use by the court;

- requiring attorneys to submit a completed *Rule 5.1.4 Validation of Signature* form just once in order to file all complaints and documents in all subsequent cases in this court.

- requiring that all documents filed subsequent to the complaint by attorneys who are not registered as ECF Filing Users, as defined in the *Procedural Order on Electronic Case Filing* referenced in Rule 5.1.2 of the Local Rules of Civil Procedure, must be submitted on disk in portable document format (PDF), so that the filings may be entered into the District Court's ECF system, and requiring that such disk be accompanied by a courtesy copy of the document in paper format for use by the court;

- providing that attorneys who complete the *Rule 5.1.4 Validation of Signature* form will receive a signature code which must be used by the attorney on the signature line of all courtesy copies submitted with a disk for purposes of signature validation pursuant to Rule 11 of the Federal Rules of Civil Procedure; the document as submitted under Local Rule 5.1.4 on disk will constitute the original document, except for those documents which are excluded from the provisions of Local Rule 5.1.4 as set forth in the *Procedural Order on Electronic Case Filing* and the *Procedural Order on Format of Documents in Electronic Form*;

- providing that nothing in Rule 5.1.4 of the Local Rules of Civil Procedure or in the *Procedural Order Governing the Format of Documents in Electronic Form* shall preclude attorneys who complete the Rule 5.1.4 Validation of Signature form from also registering with the court's ECF system under Rule 5.1.2 of the Local Rules of Civil Procedure, nor preclude attorneys who are currently registered with the court's ECF system from completing a Rule 5.1.4 Validation of Signature form;

- providing that service of process will continue to be made in accordance with those provisions set forth in Rule 5 of the Federal Rules of Civil Procedure;

- providing for convenience of attorneys who do not have access to compatible hardware or software, a computer with PDF conversion capability in the Clerk's Offices at Philadelphia and Allentown, with assistance for PDF conversion provided by Clerk's Office staff as needed; requiring attorneys who have reason for not providing this material on disk to notify the Clerk's Office in writing attached to the document, explaining the reason for not providing this material on disk; and,

- requesting attorneys who do not register to participate in the ECF program to register and participate in the court's Program for Facsimile Service of Notice to Counsel or Litigants in Civil and Criminal Cases (the "Fax Noticing Program"),

AND, it further appearing that in order to implement the *Procedural Order Governing the Format of Documents in Electronic Format*, the judges of this court also on April 5, 2004, approved for publication and solicitation of comment amended Rule 5.1.4 of the Local Rules of Civil Procedure for the United States District Court for the Eastern District of Pennsylvania, incorporating by reference the provisions of the *Procedural Order Governing the Format of Documents in Electronic Form*,

AND, it further appearing that the judges of this court, also on April 5, 2004, approved for publication and solicitation of comment a proposal to amend Rule 1.2 of the Local Rules of Criminal Procedure for the United States District Court for the Eastern District of Pennsylvania, Applicability and Effect of Local Rules, to include amended Rule 5.1.4 of the Local Rules of Civil Procedure, *Format of Documents in Electronic Form*, as fully applicable to all criminal proceedings,

AND, it further appearing that no comments were received in response to the publication of notice and solicitation of comment, it is hereby

ORDERED, this 17th day of May 2004, that in accordance with the Resolution approved by the judges of this court on April 5, 2004, and until further Order of the court, Rule 1.2 of the Local Rules of Criminal Procedure, *Applicability and Effect of Local Rules*, is amended, concurrent with the approval of amended Rule 5.1.4 of the Local Rules of Civil Procedure, *Format of Documents in Electronic Form*, to include Rule 5.1.4 of the Local Rules of Civil Procedure, *Format of Documents in Electronic Form*, as fully applicable to all criminal proceedings, effective immediately.

ORDERED that the clerk of court transmit a copy of Rule 1.2 of the Local Rules of Criminal Procedure, as amended, to the Director of the Administrative Office of the United States Courts and the Judicial Council of the Third Circuit Court of Appeals and make said Rule available to the bar and public.

FOR THE COURT:

JAMES T. GILES,
Chief Judge