

**Public Notice - No More “Three Extra Days” to
Respond After Electronic Service**

Absent contrary Congressional action, Federal Rule of Civil Procedure 6(d) and Federal Rule of Criminal Procedure 45(c) will be amended effective December 1, 2016. The amendments will eliminate the three extra days to respond to certain filings when service is made by electronic means ([proposed amendments](#)). These proposed rule changes will require conforming changes in the Eastern District of Arkansas’s CM/ECF Administrative Policies and Procedures Manuals for Civil and Criminal Filings, as well as in the ECF Registration Form. The Court intends to update its Manuals and Form as indicated in the attached redline versions if and when the amendments take effect. In addition, the Court will amend General Order 53, as also indicated in the attached redline, to update the rule citations. The United States Bankruptcy Court for the Eastern and Western Districts of Arkansas will address by separate Notice the proposed related change in Federal Rule of Bankruptcy Procedure 9006(f).

CM/ECF Administrative Policies and Procedures Manual for Civil Filings

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF ARKANSAS



B. SERVICE

1. Whenever a pleading or other paper is filed electronically in accordance with these procedures, the system shall generate a “Notice of Electronic Filing” to the filing party, to any other party who is a registered user and to the assigned judge.
2. If the recipient is a registered Filing User, the system-generated Notice of Electronic Filing shall be deemed to constitute service of the document by ~~first class mail, postage prepaid.~~ **electronic means with consent pursuant to Fed. R. Civ. P. 5(b)(2)(E). Three days are not added to the response time for documents served electronically, see Fed. R. Civ. P. 6(d).**
3. A certificate of service on all parties entitled to service or notice is still required when a party files a document electronically. The certificate must state the manner in which service or notice was accomplished on each party so entitled. Sample language for a certificate of service is attached to these procedures as Form B.
4. A party who is not a registered participant of the system is entitled to a paper copy of any electronically filed pleading, document, or order. The filing party must therefore provide the nonregistered party with the pleading document or order according to the Federal Rules of Civil Procedure. When mailing paper copies of documents that have been electronically filed, the filing party shall also include a copy of the Notice of Electronic filing to provide the recipient with proof of the filing.
5. System-generated deadlines are for Court use only and should not be relied upon by counsel.

C. SIGNATURES

1. Nonattorney Signature

If the original document requires the signature of a nonattorney, the filing party or the Clerk’s office will scan the original document, and then file it on the system electronically.

- a. This rule includes all notarized documents.
- b. The electronically filed document as it is maintained on the Court’s servers shall constitute the official version of that record. The Court shall not maintain a paper copy of the original document unless directed by the Court.
- c. A nonfiling signatory or party who disputes the authenticity of an electronically filed document with a nonattorney signature or the authenticity of the signature on that document must file an objection

(Rev. 9/15/2016 12/1/2016)

CM/ECF Administrative Policies and Procedures Manual for Criminal Filings

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF ARKANSAS



B. SERVICE

1. Whenever an indictment or information is scanned and uploaded into the system or a document is filed electronically in accordance with these procedures, the system shall generate a “Notice of Electronic Filing” to the filing party, to any other party who is a registered user and to the assigned judge.
2. If the recipient is a registered Filing User, the system-generated Notice of Electronic Filing shall be deemed to constitute service of the document by ~~first class mail, postage prepaid.~~ **electronic means with consent pursuant to Fed. R. Crim. P. 49(b) and Fed. R. Civ. P. 5(b)(2)(E). Three days are not added to the response time for documents served electronically, see Fed R. Crim. P. 45(c) and Fed. R. Civ. P. 6(d).**
3. A certificate of service on all parties entitled to service or notice is still required when a party files a document electronically. The certificate must state the manner in which service or notice was accomplished on each party so entitled. Sample language for a certificate of service is attached to these procedures as Form B.
4. A party who is not a registered participant of the system is entitled to a paper copy of any electronically filed pleading, document, or order. The filing party must therefore provide the nonregistered party with the document or order according to Rule 49 of the Federal Rules of Criminal Procedure. When mailing paper copies of documents that have been electronically filed, the filing party shall also include a copy of the Notice of Electronic Filing to provide the recipient with proof of the filing.
5. System-generated deadlines are for Court use only and should not be relied upon by counsel.

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United States District Court
Eastern District of Arkansas

ELECTRONIC CASE FILING
REGISTRATION FORM

<p>Background: This form is used to register for an account on the Electronic Case Filing (ECF) System. Registered users consent to electronic service of all electronically filed documents, including Orders, and will have privileges to electronically file documents. Please visit www.are.uscourts.gov for more information about ECF.</p>	<p>Instructions: This form cannot be submitted electronically. Complete the form, print, sign, and return it to the Clerk's office at the address below. A user login name and password for access to the ECF system will be issued to you upon receipt of the fully completed form. All information is required, including your original signature, except where noted.</p>
<p>Name:</p> <p>(First, Middle Initial, Last)</p> <p>Telephone:</p> <p>E-mail (primary):</p> <p>(Address for receipt of official notification of electronic filings.)</p> <p>E-mail (secondary):</p> <p>(Optional address for receiving additional notification of electronic filings, e.g. secretary.)</p> <p>State Bar Number:</p>	<p>Firm Name:</p> <p>Firm Address:</p>
<p>Attorneys seeking to file documents electronically must be admitted to practice in the United States District Court for the Eastern District of Arkansas pursuant to Local Rule 83.5 and currently in good standing.</p> <p>The undersigned agrees to abide by all Court rules, orders, policies and procedures governing the use of the ECF system. The undersigned also consents to receiving service and notice of filings pursuant to Fed. R. Civ. P. 5(b)(2)(D-E) and Fed R. Crim. P. 49(b) via the court's ECF system. The combination of user login and password will serve as the signature of the attorney filing the documents. Attorneys must protect the security of their passwords and immediately notify the court if they learn that their password has been compromised. Attorneys enrolling in the court's ECF system will automatically receive important information from the U.S. District Court regarding revisions to local rules, general orders, fees, and general information concerning the ECF system.</p> <p>Attorney Signature _____ Date _____</p> <p>Submit completed ECF Registration Form to: James W. McCormack, Clerk of Court United States District Court Attention: ECF Registration 600 West Capitol Avenue Room A149</p>	

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF ARKANSAS

IN THE MATTER OF THE IMPLEMENTATION
OF CASE MANAGEMENT/ELECTRONIC CASE FILING (CM/ECF)

AMENDED GENERAL ORDER 53¹

Pursuant to Rule 5~~(e)~~(b) of the Federal Rules of Civil Procedure, Rules 49(b), ~~and~~ (c), and (e) of the Federal Rules of Criminal Procedure, and Local Rules 5.1 and 5.2, which permit papers to be filed, signed, verified, and served by electronic means, the United States District Court for the Eastern District of Arkansas will permit full implementation of the Case Management/Electronic Case Files (CM/ECF) System.

The CM/ECF Administrative Policies and Procedures Manuals for Civil and Criminal Filings have been approved by the Court. The Court recognizes that these ~~m~~Manuals may require occasional revisions, which will be made as necessary with the approval of the Court.

IT IS SO ORDERED this 26th 1st day of ~~May, 2005~~ December, 2016.

BRIAN S. MILLER, CHIEF JUDGE
UNITED STATES DISTRICT COURT

¹Original order entered by Judge Susan Webber Wright on 5/26/2005.