

**ADVISORY FROM THE CHIEF JUDGE
WESTERN DISTRICT OF TEXAS**

TO: ALL ATTORNEYS ADMITTED TO PRACTICE / TEXAS WESTERN

On September 1, 2006, the United States District Court for the Western District of Texas implemented an electronic filing system in this Court. This case management and court docketing system, known as CM/ECF (Case Management/Electronic Case Filing), is being used in one capacity or another in nearly every federal district and bankruptcy court in the country. Many courts have been utilizing this system for well over two years.

By consensus of the district judges of this Court, on November 1, 2006, electronic filing was made mandatory for all attorneys practicing in this Court for most routine pleadings. However, there remain a number of documents which by their very nature are required to be filed in the traditional manner (paper filing) as opposed to electronically. These documents are identified in paragraph 5 of the *Administrative Policies and Procedures for Electronic Filing in Civil and Criminal Cases*, a copy of which is available on this Court's public web site under CM/ECF at:

[Administrative Policies and Procedures for Electronic Filing in Civil and Criminal Cases](#)

Having reviewed certain statistics the past several months, I am dismayed and concerned that the level of electronic filing for documents and pleadings which should be filed electronically is not at as high of a percentage as I anticipated it would be, especially in view of the fact that electronic filing has been made mandatory. I wish to take this opportunity to remind each and every one of you practicing in this Court to become familiar with the electronic filing practices and procedures adopted for use in this District and that it is mandatory for you to do so when required. If you feel additional training would be helpful, please do not hesitate to contact the Divisional Office Manager of the U.S. District Clerk's Office in the division where you practice. The Clerk's Office staff is ready, willing and able to provide any reasonable assistance you may need to help you learn and understand this new system. The advantages of the electronic filing system are incredible. You have access to your case file, and can actually submit for filing your pleading from the comfort of your office or home computer, 24 hours a day, 7 days a week. No doubt, considerable savings will result as well since your postage costs and delivery charges should be significantly reduced.

Accordingly, effective April 2, 2007, any document or pleading submitted for filing in the traditional manner which under the rules of this Court is required to be filed electronically, must have attached to it, similar to the certificate of notification of service to opposing counsel, a certificate stating good cause why the document was not filed electronically, when the reason for such non-electronic filing will be remedied, and the number of times the attorney has failed to follow the electronic filing rules.

The Clerk may bring the document to the attention of the appropriate judge who shall take such action as he or she deems appropriate. Such action could include, and is not limited to: an order to show cause why the document or pleading should not be stricken; sanctions in the form of a fine or contempt; suspension or disbarment from being admitted to practice in this Court; etc. It is my sincere hope that such actions will not be necessary.

In the event there exists such circumstances which would warrant the continued submission of documents and pleadings in the traditional manner, please seek leave of the Court prior to submitting such items in the traditional manner.

Walter S. Smith, Jr.
Chief Judge