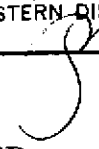


FILED

APR 15 2002

UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF TEXAS  
AUSTIN DIVISION

CLERK, U.S. DISTRICT COURT  
WESTERN DISTRICT OF TEXAS  
BY  DEPUTY CLERK

In Re: Authorization for Electronic Filing  
in Civil Litigation, Austin Division

§  
§  
§  
§

GENERAL ORDER

Federal Rule of Civil Procedure 5(e) authorizes federal courts to establish practices and procedures for the filing, signing, and verification of documents or other papers submitted by electronic means. This Court is conducting just such an electronic case filing (ECF) pilot program in its Austin Division. Accordingly, and in furtherance of the Judicial Conference's long-range policy for the filing of court documents by electronic means, this order authorizes the U.S. District Clerk to establish and implement guidelines in the Austin Division of the Western District of Texas which will allow for electronic filing in civil cases over the Internet. It is fully anticipated that the use of electronic filing in this prototype project will provide better, more expeditious service to the bar and litigants, and that it will result in a significant savings to the Court. In the early stages of this program, the Court will seek the cooperation of attorneys and their clients in volunteering to participate in the electronic filing prototype. The U.S. District Clerk is hereby authorized to establish and publish the guidelines [See Attachment "A"] which provide for access to and utilization of the electronic filing system in the Austin Division.

1. **Designation of cases.** All civil cases filed in the Austin Division are designated for ECF, with the exception of cases ordered sealed by the Court in their entirety or for individual pleadings filed in an otherwise public case, as well as those documents identified in paragraph 6.a. below.

2. **Logins and passwords.** Access to the Austin Division ECF system may be obtained as follows:

- a. Any **admitted** attorney to the Western District of Texas who is in good standing may apply for and receive one ECF system login which will allow that attorney to electronically file, review, and retrieve pleadings, documents, or other papers. Attorneys who receive permission to proceed *pro hac vice* are not authorized to register for the ECF pilot project. To do so, they must either become admitted to practice in the Western District of Texas, or employ local counsel who is admitted and registered to participate in this program.
- b. An Austin Division ECF Attorney Registration Form is available in the office of the U.S. District Clerk, or it may be downloaded from the Court's Internet site at [www.txwd.uscourts.gov](http://www.txwd.uscourts.gov).

- c. No attorney shall knowingly permit or cause to permit his/her login or password to be used by anyone other than an authorized employee of his/her law firm or organization.

**3. Electronic filing of documents or papers.**

- a. Except as noted in paragraph 6.a. below, or as otherwise ordered by the Court, any motion, pleading, legal memorandum, or other document or paper required to be filed with the Court can be filed electronically provided the attorney or his/her agent has properly obtained a valid login/password from the Clerk.
- b. The electronic filing of a pleading, document or paper in accordance with this order and the ECF Client Guidelines shall constitute the filing of a document for all purposes under the Federal Rules of Civil Procedure and the Local Court Rules for the United States District Court, Western District of Texas (“Local Rules”). It shall further constitute entry of that pleading, document or other paper on the docket maintained by the Clerk under Federal Rule of Civil Procedure 79(a).
- c. All orders, decrees, judgments, and proceedings of the Court entered pursuant to this general order will constitute entry of the order, decree, judgment or proceeding on the docket maintained by the Clerk under Federal Rule of Civil Procedure 79(a).

**4. Signatures.**

- a. The user identification number and the user password required to electronically submit pleadings, documents, or other papers under the Austin Division ECF pilot project shall constitute the attorney’s signature for all purposes under the Federal Rules of Civil Procedure and the Local Rules.
- b. The signature block on any motion or pleading being transmitted electronically for filing shall contain the statement “Signature on file with the U.S. District Clerk”.
- c. Any document, affidavit, or other paper which is to be filed electronically as an attachment or exhibit to a motion or pleading having an original signature may be scanned and filed electronically. Alternatively, if the document or other paper cannot be scanned, then it must reflect in any signature area a notation which identifies the signature appearing on the original document; e.g., “s/Jane Doe”. The originally executed document must be maintained by the filer for two (2) years after the final resolution of the action, including the final disposition of all appeals.

**5. Service.**

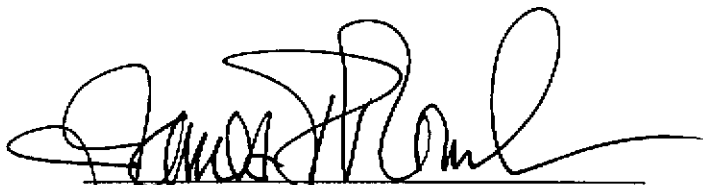
- a. Each person, including the Office of the U.S. District Clerk, who electronically files a pleading, order, decree, judgment, document, or other paper shall, on that same day, serve a notice of electronic filing on all parties entitled to service under the Federal Rules of Civil Procedure and Local Rules. This notice may be served in any manner prescribed by Fed.R.Civ.P. 5(b).
- b. All participants in the Austin Division ECF pilot project agree to receive notice and service as provided herein.
- c. Any pleading, document notice, or other paper which is not filed electronically shall be served in accordance with the Federal Rules of Civil Procedure and the Local Rules, except as otherwise provided by order of the Court.

**6. Conventional filing of documents.** The following documents shall only be filed conventionally and not electronically unless specifically authorized by the Court:

- a. Complaints, or any other pleading or document which requires the payment of a fee.
- b. Any motion, pleading, document, or other paper, inclusive of exhibits and attachments, which exceeds a total submission of 50 pages. A single submission may include several pleadings, documents, or other papers provided they all relate to the same civil case number.
- c. Any motion, pleading, document, or other paper, including exhibits and attachments, which cannot be transmitted **in their entirety** electronically.
- d. Any document filed under “seal”, including the accompanying motion to seal.
- e. Any motion, pleading, document, or other paper, including exhibits and attachments, not transmitted on 8.5 x 11 paper.
- f. Transcripts.
- g. Records from state court proceedings.

7. **Effective date.** This order shall apply to all civil cases pending or filed in the Austin Division of the Western District of Texas as of the date of this order. All attorneys admitted to practice in the Western District of Texas having civil cases pending in the Austin Division of this District are fully encouraged to take advantage of electronic filing and noticing capabilities offered by ECF.

ORDERED, this the 15<sup>th</sup> day of April, 2002.



JAMES R. NOWLIN  
Chief Judge

w/Attachment "A" ("Guidelines")

**UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF TEXAS**

**ELECTRONIC CASE FILING CLIENT GUIDELINES**  
**(FOR CASES FILED ONLY IN THE AUSTIN DIVISION)**

- Any pleading/document requiring the payment of a filing fee must be physically filed with the Clerk of Court.
- Pleadings/documents submitted electronically for filing are limited to letter size (8.5" X 11") paper.
- Pleadings/documents requiring a signature which are being filed electronically must have the notation "**Signature on file with the U.S. District Clerk**" placed in the signature block of the pleading/document submitted for filing. An appropriately signed ECF Application or other approved signature card must be on file with the U.S. District Clerk.
- Each submission may contain multiple pleadings/documents, but they must all pertain to the same case number.
- Each pleading/document included in a submission is limited to 50 pages including exhibits and/or attachments.
- Where possible, the pleading/document along with related exhibits or attachments should be included in the same PDF pleading/document. If due to a variation in file format the exhibits or attachments must be submitted electronically as separate pleadings/documents, each such exhibit or attachment must be named in a manner which clearly identifies the pleading/document to which it pertains.
- If for any reason an exhibit or attachment cannot be transmitted electronically with the pleading/document, the entire pleading/document including non-electronic exhibits and/or attachments must be physically filed with the Clerk of Court.
- The official date and time of filing for pleadings/documents submitted electronically will be determined as of the date and time that the submission arrives at the Court's email server. When a pleading/document submission arrives at the server, an automatic response will be returned to the Administrator or Attorney performing the submission to indicate that the submission has been received by the Court. When the pleadings/documents are subsequently processed by the docket clerk, another email response will be created which lists the attorney of record, the date and time of processing, the file names and descriptions of each pleading/document in the submission. The docket clerk will add to this email the official filing date and time, as well as the assigned pleading/document numbers or each pleading/document in the submission. The email will then be sent to the email address specified within the submission. If any discrepancies are detected during processing, the docket clerk will use this return email to relate the problems found and how they can be corrected.