



NEWS RELEASE

Administrative Office of the U.S. Courts

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Rule Changes Authorize Electronic Service

The federal Judiciary took another step into the electronic age with amendments to several Federal Rules of Procedure that authorize parties in a court case to serve various legal documents by e-mail, fax or other electronic means.

The new provisions, which took effect December 1, expressly authorize the electronic exchange among parties of documents such as pleadings, motions and briefs when parties have consented in writing. The rules also permit courts to serve court orders electronically if parties consent.

The rules apply to all district and bankruptcy courts and are not limited to courts that accept electronic filing. The rules do not extend to electronic service of process, which initiates litigation.

The amendments were approved by the Supreme Court and previously by the Judicial Conference of the United States and its Committee on Rules of Practice and Procedure. The Conference is the principal policy-making body for the federal court system.

Under the new provisions, a court need not amend its local rules to authorize electronic service among parties. But a local rule would be necessary to authorize use of a court's own transmission facilities to serve documents.

Service by electronic means is complete on transmission unless a party learns that attempted service did not reach the person to be served, and electronic service is treated the same as service by mail for the purpose of giving parties an additional three days to respond.

The specific provisions amended are Federal Rules of Civil Procedure 5(b), 6(e) and 77; and Federal Rules of Bankruptcy Procedure 9006 and 9022. Civil Rule 5 is incorporated by reference into Criminal Rule 49 and Bankruptcy Rule 7005.

For more information on electronic service, [click here](#). To learn more about the rulemaking process, visit "Federal Rulemaking" at the federal courts' web site, www.uscourts.gov.

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