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To <Rules_Support@ao.uscourts.gov>

cc

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bcc

Subject Agreements to Accept Service by e-mail among counsel -
requirements needed to minimize disputes re: e-service

History: This message has been forwarded.

Issue - Required Information for e-mail service among counsel - email service is qualitatively different than mail service

The following will prevent/minimize disputes about whether e-service was properly made.

Without identifying the specifically authorized email accounts an attorney who has his secretary send documents under a different email address

may be sent to a spam folder of the recipient or just ignored - especially if containing an attachment)

When counsel agree (in writing) to accept email service of document (i.e. discovery) it is important that:

- 1 the agreement requires the short Case name and number to be disclosed in the E-mail subject line
2. **the agreement identify the specific email address to be used by each party - limit to no more than 3 for each side unless otherwise agreed (accommodates secretaries email) - an intended recipient should not be required to open emails from unknown sources, especially if a file is attached**
3. a test page be sent and received by each counsel - (to make sure a spam or filtering program is not sending email to trash)
- 4 the rules should provide a caution to the effect that a party who has their secretary or paralegal sending documents by email must be sure the particular email is one of the authorized emails
- 5 the agreement should identify the type of files authorized as attachments - "pdf" and "tiff" files should always be authorized

6. the agreement may state the maximum size of each file (default to x) -
maximum size of related files (default to y)

7 the rules should provide that a party may withdraw consent upon 7
days notice - (stops harassing emails or abuse of email service)

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