UNITED STATES DISTRICT COURT
DISTRICT OF COLORADO
ALFRED A. ARRAJ UNITED STATES COURTHOUSE
901 NINETEENTH STREET
DENVER, COLORADO 80294

EDWARD W. NOTTINGHAM
UNITED STATES DISTRICT JUDGE

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MEMORANDUM

To: All Counsel and Litigants

From: Judge Nottingham

Date: April 15, 2002

Subject: Electronic Service of Court Orders

Effective December 1, 2001, rule 5(b) of the Federal Rules of ***Civil*** Procedure has been amended to provide for electronic service of certain papers by express written consent. Read in conjunction with civil rules 5(a) and 77(d), plus rule 49 of the Federal Rules of ***Criminal*** Procedure, this change, in my view, authorizes electronic service of court orders in civil ***and*** criminal cases. D.C.COLO.LCivR 5.2 and D.C.COLO.LCrR 49.2 implement this change locally. Where a litigant consents in compliance with Fed. R. Civ. P. 5(b) and D.C.COLO.LCivR 5.2 or D.C.COLO.LCrR 49.2, I will serve the litigant electronically, subject to certain limitations hereinafter set forth.

1. I will not serve orders electronically where a litigant's consent is limited to service by facsimile only. I do not have the clerical resources or equipment to undertake facsimile service generally. Where a litigant's consent is limited to facsimile service, court orders will be served, as they are currently served, by mail or district court box delivery.

2. Where a party consents to service by electronic mail, I will serve orders as attachments to an e-mail. To preserve the format of the orders and to minimize the possibility of inadvertent modifications to orders after they are transmitted, the attachment will be in Portable Document Format (PDF). This format currently requires that the recipient have Adobe Acrobat Reader, which can be downloaded (free of charge) from the court's web site by clicking on the "Get Acrobat Reader" button at the bottom of the court's home page.

3. Because every litigant consenting to electronic service will have equal, free access to software which will enable the litigant to receive PDF attachments, I will assume that PDF is an acceptable format for electronic service of court orders unless the litigant's written consent expressly specifies otherwise. If the consent does specify otherwise, orders will be served by mail or district court box delivery.

4. This court currently does not permit electronic ***filing*** generally. Nevertheless, solely as an experiment in which litigants may participate on a volunteer basis, I will try to accept litigants' pleadings by electronic mail. Adhere to the following rules:

a. Send the electronic mail to Nottingham_Chambers@cod.uscourts.gov.

b. Place the case number (and only the case number) in the "subject" or "re" line of the electronic mail.

c. Put the title of the pleading, motion, or other paper in the body of the e-mail.

d. Send the pleading, motion, or other paper as an attachment. The attachment should be in PDF, WordPerfect, or Rich Text Format (RTF), because I know I can retrieve those. Other formats may not work.

e. It will be particularly helpful if you will transmit to me electronically your written consents to receive service electronically. This will enable my staff to cut and paste your electronic service information exactly as you have provided it and minimize the possibility of error.

f. As for attachments or exhibits to a pleading, motion, or paper, you're on your own. As a last resort, you might try scanning them. Do not ask me or the clerk's office to do so, however, because we don't have the staff or facilities. If I can retrieve and use the exhibits, I will do so; otherwise, I will just have to work with your paper (see next paragraph).

5. ***Nothing in the preceding paragraph relieves an litigant of the requirements of filing paper in compliance with the federal and local rules.*** I cannot waive those requirements, and, given the experimental nature of this project, would not if I could.