

At a Stated Term of the United States Court of Appeals for the Second Circuit, held at the Daniel Patrick Moynihan United States Courthouse, 500 Pearl Street, in the City of New York, on the 5th day of December, two thousand eleven,

PRESENT: Dennis Jacobs,
Chief Judge
José A. Cabranes
Rosemary Pooler
Robert A. Katzmann
Reena Raggi
Richard C. Wesley
Peter W. Hall
Debra A. Livingston
Gerard E. Lynch
Denny Chin
Raymond J. Lohier, Jr.
Susan L. Carney,
Circuit Judges

IT IS HEREBY ORDERED, that the Local Rules of the United States Court of Appeals for the Second Circuit, following a 30-day public comment prescribed by 28 U.S.C. § 2071(b) and Fed. R. App. P. 47(a)(1), are hereby amended as follows, effective January 3, 2011:

Local Rule 3.1 Electronic Service of the Notice of Appeal

If a party to a civil action in the district court files a notice of appeal electronically in accordance with the Federal Rules of Civil Procedure and the district court's local rules, the district clerk may satisfy the service requirements of FRAP 3(d) as to a counseled party to the appeal by effecting service electronically.

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Local Rule 15.1 Electronic Payment of Filing Fee.

If the petitioner is represented by counsel, the petitioner’s attorney may remit the filing fee to the circuit clerk electronically in accordance with the instructions posted on the court’s website. The attorney must (1) register as a Filing User under LR 25.1, (2) file the petition for review electronically with the fee, and (3) if not already admitted, seek admission to the court under LR 46.1 immediately upon filing the petition for review.

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Local Rule 21.1 Writs; Electronic Payment of Filing Fee; Number of Copies

(a) Electronic Payment of Filing Fee. If the petitioner is represented by counsel, the petitioner’s attorney may remit the required filing fee to the circuit clerk electronically in accordance with the instructions posted on the court’s website. The attorney must (1) register as a Filing User under LR 25.1, (2) file the petition for a writ electronically with the fee, and (3) if not already admitted, seek admission to the court under LR 46.1 immediately upon filing the petition for a writ.

(b) Number of Copies. If the petition for a writ of mandamus or prohibition or other extraordinary writ exceeds 50 pages, the petitioner must submit 3 paper copies of the petition to the clerk’s office.

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Local Rule 25.1 Case Management/Electronic Case Filing (CM/ECF)

(a) Definitions and Scope.

(1) Definitions.

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(C) Initiating Document. “Initiating” document means any document, including a petition for review of an agency decision[,]; petition for a writ of mandamus, prohibition, or other extraordinary writ[,]; successive habeas petition[,]; or motion for leave to file an appeal[,]; filed directly in this court to initiate a proceeding seeking consideration by this court.

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(b) Registration.

- (1) Admitted Attorneys.** An attorney admitted to practice in this court must register as a Filing User with PACER, the service that provides on-line access to United States appellate, district, and bankruptcy court records and documents nationwide.
- (2) Non-admitted Attorneys.** An attorney not admitted to practice in this court but who files a petition for review of an agency decision under LR 15.1, a petition for writ of mandamus or prohibition or other extraordinary writ under LR 21.1, or an attorney admission application under LR 46.1 must register as a Filing User with PACER.
- (3) Pro se Parties.** A pro se party who wishes to file electronically must seek permission from the court by filing the court's CM/ECF Pro Se Filing User Request Form available on the court's website. A pro se party must register as a Filing User with PACER as soon as practicable after receiving permission.

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- (c) (2) Initiating Documents.** Unless filing under LR 15.1 or LR 21.1, [A Filing User] an attorney who is not exempt under (j) must file an initiating document by emailing it to newcases@ca2.uscourts.gov.

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Local Rule 46.1 Attorney Admission

- (a) (2) Renewal of Admission; Failure to Renew; Inactive Status.** An attorney is admitted for a period of five years, and must renew admission every five years for an additional five-year period. Renewal requires submission of an attorney admission renewal application.
 - [(A) Failure to Renew; Inactive Status.]** An attorney who fails to renew admission within one month after the expiration of the five-year period is placed in inactive status. An attorney in inactive status must complete the renewal process to practice before the

court. After 12 months in inactive status, an attorney is removed from the court's admission roll and must reapply for admission in accordance with (a)(1).

[(B) Admission Renewal Schedule. An attorney already admitted to practice in this court must initially renew admission in accordance with the timetable below, and must thereafter renew admission every five years based on this initial renewal date.

(i) Admission on or after July 1, 2004. An attorney admitted to this court on or after July 1, 2004, must renew admission no later than five years from the original date of admission.

(ii) Admission before July 1, 2004. An attorney admitted to this court before July 1, 2004, must renew admission no later than the anniversary date of the original admission as it occurs during the period July 1, 2009 through June 30, 2010.]

(3) Submission of Admission or Renewal Application. An attorney must submit an admission or renewal application electronically in PDF in accordance with the CM/ECF instructions posted on the Court's website.

(A) Registration in CM/ECF. Prior to submitting an admission application, an attorney must register as a Filing User in CM/ECF.

(B) Signature. The provision governing a Filing User's signature under LR 25.1(f) applies to submission of an attorney admission or renewal application.

(C) Certification. Electronic submission of an attorney admission application constitutes certification that the sponsor's motion for attorney admission and certificate of standing attached to the application are true and correct copies and that the applicant is maintaining the originals for production to the court upon request.

(D) Exemption. Upon an attorney's showing of extreme hardship or exceptional circumstances by letter, the clerk may exempt counsel from the electronic filing requirements under this rule.

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- (c) **Fee.** An attorney applying for admission or renewal of admission must pay to the clerk electronically in accordance with the instructions posted on the court's website the fee set by the court and posted on the court's website.

FOR THE COURT

Catherine O'Hagan Wolfe
Clerk of Court

Underscore - Parts added
Brackets - Parts deleted