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**UNITED STATES COURT OF APPEALS**  
FOR THE FIRST CIRCUIT

MARIA R. HAMILTON  
CLERK

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UNITED STATES COURTHOUSE  
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**NOTICE OF PROPOSED AMENDMENTS TO  
LOCAL RULE 25.0(e) AND LOCAL RULE 46.6**

The United States Court of Appeals for the First Circuit provides notice that it proposes the attached amendment to Local Rules 25.0(e) and 46.6.

The amendments are made to maintain consistency with the amendments to the Federal Rules of Appellate Procedure which go into effect December 1, 2019, eliminating the need for proof of service when electronic filing is used, as well as the previous amendments to the Federal Rules of Appellate Procedure establishing national rules regarding signing electronic documents. Finally, the amendments correct internal citations and an incorrect citation to First Circuit Rule 30.0(f).

Additions are noted in *italic* print; deletions are noted in ~~strikeout~~ print.

The court hereby invites public comment on the amendments. Comments should be submitted by December 9, 2019 and addressed to:

Office of the Clerk  
U.S. Court of Appeals for the First Circuit  
United States Courthouse  
1 Courthouse Way, Suite 2500  
Boston, MA 02210

November 7, 2019

Maria R. Hamilton, Clerk

## Local Rule 25.0 Electronic Case Filing System and Facsimile

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(e) **Service of Documents by Electronic Means.** The Notice of Docket Activity that is generated by the court's electronic filing system constitutes service of the filed document on all ECF Filers.

(1) **Service on Paper Recipients.** The court's electronic filing system identifies which parties in a particular case are ECF filers. Parties who are not registered as ECF Filers must be served with a copy of any electronically filed document in some other way authorized by Fed. R. App. P. 25(c)(1). Similarly, a document filed in paper form pursuant to *1st Cir. Loe. R. 25.0(b)(1)* must be served using an alternate method of service prescribed by Fed. R. App. P. 25(c)(1). However, paper copies of briefs filed and served electronically do not need to be served again on the parties to the case when paper copies of the briefs are filed with the court.

(2) **Certificate of Service.** The Notice of Docket Activity does not replace the certificate of service, *if* required by Fed. R. App. P. 25(d). ~~ECF Filers must include a certificate of service with any electronically filed document stating whether the parties being served are ECF Filers being served electronically by the Notice of Docket Activity or whether they are being served using an alternate method of service permitted by Fed. R. App. P. 25(c)(1), and, if so, which method. The certificate must also provide the other information required by Fed. R. App. P. 25(d)(1).~~

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(h) **Sealed Documents.** As required by *1st Cir. Loe. R. 25.0(b)(1)*, sealed documents and motions for permission to file a document under seal should be filed only in paper form. Sealed documents must be filed in compliance with *1st Cir. Loe. R. 11.0(c)* and *1st Cir. Loe. R. 30.0(gf)*. If an entire case is sealed, all documents in the case are considered sealed unless the court orders otherwise or, in the case of a court order, opinion, or judgment, the court releases the order, opinion or judgment for public dissemination.

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(j) **Signatures.** The user login and password required to submit documents via the electronic filing system serve as the ECF Filer's signature on all

electronic documents filed with the court. They also serve as a signature for purposes of the Federal Rules of Appellate Procedure, the local rules of court, and any other purpose for which a signature is required in connection with proceedings before the court.

- (1) **Submission by Signatory.** ~~The name of the ECF Filer under whose login and password the document is submitted must be preceded by an "s/" and typed in the space where the signature would otherwise appear.~~ No ECF Filer or other person may knowingly permit or cause to permit an ECF Filer's login and password to be used by anyone other than an authorized agent of the ECF Filer. ECF Filers are reminded that pursuant to *1st Cir. Loc. R. 25.0(c)(4)*, a filer must immediately notify the PACER Service Center and the clerk if the filer learns, or has reason to know, that the filer's login or password has been compromised.
  
- (2) **Multiple Signatures.** The filer of any electronically filed document requiring multiple signatures (for example, stipulations) must list thereon all the names of other signatories by means of an "s/[name]" *signature* block for each. By submitting such a document, the ECF Filer certifies that each of the other signatories has expressly agreed to the form and substance of the document, and that the ECF Filer has the authority to submit the document electronically. ~~Notwithstanding Loc. R. 25.0(a)(3), the ECF Filer may in the alternative scan and submit the part of the document containing all necessary signatures.~~ If any person objects to the representation of his or her signature on an electronic document as described above, he or she must, within 14 days of the electronic filing, file a notice setting forth the basis of the objection.

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#### **Local Rule 46.6. Procedure for Withdrawal in Criminal Cases**

**(a) Trial counsel's duty to continue to represent defendant on appeal until relieved by the court of appeals.**

An attorney who has represented a defendant in a criminal case in the district court will be responsible for representing the defendant on appeal, whether or not the attorney has entered an appearance in the court of appeals, until the attorney is relieved of such duty by the court of appeals. ~~See Local~~ See ~~Local~~ *1st Cir. R. ~~ule~~ 12.0(b)*.

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**(d) Service.**

All motions must be accompanied by proof of service on the defendant and, if required by *Fed. R. App. P. 25(d)*, the Government. *Motions are customarily and will be* determined, without oral argument, by one or more judges.