

1.2.01 | ELECTRONIC FILING AND SERVICE BY COUNSEL

The Fourth Circuit adopted mandatory electronic filing by counsel for all cases effective June 1, 2008. Therefore, counsel must register for electronic filing and file and serve documents through the court's CM/ECF system. Counsel unable to file electronically may request exemption for good cause shown in a particular case. Counsel appointed in the district court who wish to withdraw from CJA representation on appeal may file a motion to withdraw in paper form instead of registering for electronic filing for the sole purpose of withdrawing from the case. Electronic filing is complete at the time and date stated in the notice of docket activity.

CM/ECF automatically serves case participants who have registered with the court for electronic service; participants who do not receive electronic service through CM/ECF must be served by counsel as otherwise authorized by Fed. R. App. P. 25(c). A service preference report is available from the CM/ECF reports menu that identifies which participants counsel must serve outside CM/ECF. In addition, the notice of docket activity received upon completion of filing identifies the participants who must be served conventionally. Sealed documents, case initiating documents (e.g., petitions for review, petitions for mandamus), and manual filings (not available in electronic form) are not served through CM/ECF and must be served by counsel as otherwise authorized by Fed. R. App. P. 25(c).

(4th Circuit Court of Appeals // December 2023)

